



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 21, 2011

House Amendment 1389

PAG LIN

1 1 Amend House File 590 as follows:

1 2 #1. Page 24, before line 27 by inserting:

1 3 <Sec. _____. Section 15.301, subsection 1, paragraphs
1 4 a and c, Code 2011, are amended to read as follows:

1 5 a. A save our small businesses fund is created in
1 6 the state treasury under the control of the ~~department~~
1 7 ~~authority~~ and consisting of any moneys appropriated to
1 8 the fund by the general assembly and any other moneys
1 9 available and obtained or accepted by the ~~department~~
1 10 ~~authority~~ for placement in the fund.

1 11 c. (1) If, on March 31, ~~2011~~ 2012, there are
1 12 unobligated moneys in the fund, such unobligated moneys
1 13 shall revert to the general fund of the state.

1 14 (2) For each quarter, beginning with the first
1 15 quarter after the reversion of moneys pursuant to
1 16 subparagraph (1) and ending with the last quarter prior
1 17 to the reversion of moneys pursuant to subparagraph
1 18 (3), the ~~department~~ authority shall, on the last day of
1 19 the quarter, transfer to the general fund of the state
1 20 the balance of unencumbered moneys in the fund.

1 21 (3) On March 31, ~~2016~~ 2017, all moneys in the fund
1 22 shall revert to the general fund of the state.

1 23 Sec. _____. Section 15.301, subsection 2, paragraphs
1 24 a, b, and e, Code 2011, are amended to read as follows:

1 25 a. The ~~department~~ authority shall establish
1 26 and administer a program for purposes of providing
1 27 financial assistance to eligible small businesses.
1 28 For purposes of this section, "financial assistance"
1 29 means loans at an interest rate not to exceed three
1 30 and nine-tenths percent per annum and "eligible
1 31 small business" means a small business meeting the
1 32 requirements of subsection 3. In administering the
1 33 program, the authority may negotiate the terms on
1 34 which the financial assistance is provided and may
1 35 include such terms in the loan agreements as are best
1 36 designed to effectuate the program's goals. Such terms
1 37 may provide for up to six months of interest-free
1 38 financing.

1 39 b. (1) The ~~department~~ authority may designate
1 40 an organization to administer the provisions of this
1 41 section on the ~~department's~~ authority's behalf.

1 42 (2) In order to be designated, an organization must
1 43 be a nonprofit organization exempt from taxation under
1 44 section 501(c)(3) of the Internal Revenue Code and
1 45 must be designated by the United States small business
1 46 administration as a statewide microloan program
1 47 provider.

1 48 (3) If the ~~department~~ authority elects to designate
1 49 an organization pursuant to subparagraph (1), the
1 50 ~~department~~ authority shall enter into an agreement with



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2 1 the organization for purposes of ensuring that the
2 2 program is administered pursuant to the requirements
2 3 of this section.
2 4 (4) An organization designated pursuant to
2 5 subparagraph (1) may accept, evaluate, and approve
2 6 applications for financial assistance from eligible
2 7 small businesses pursuant to the requirements of this
2 8 section and may monitor the compliance of eligible
2 9 businesses with the terms of an agreement entered into
2 10 with the ~~department~~ authority.
2 11 (5) All disbursements of moneys to recipients
2 12 of financial assistance approved by an organization
2 13 designated pursuant to subparagraph (1) shall be made
2 14 by the ~~department~~ authority.
2 15 (6) All repayments of principal and interest on
2 16 financial assistance provided under the program shall
2 17 be remitted to the ~~department~~ authority and deposited
2 18 in the fund.
2 19 (7) The ~~department~~ authority, with the assistance
2 20 of an organization designated pursuant to subparagraph
2 21 (1), may seek the recapture of financial assistance
2 22 provided pursuant to this section as provided in
2 23 subsection 4.
2 24 e. The ~~department~~ authority, under the terms of an
2 25 agreement with ~~the~~ an organization designated pursuant
2 26 to paragraph "b", shall begin to provide financial
2 27 assistance from the fund not later than August 1,
2 28 2010, and shall to the extent practicable obligate all
2 29 available moneys in the fund prior to March 31, 2011

2 30 2012.
2 31 Sec. _____. Section 15.301, subsection 3, paragraph
2 32 d, Code 2011, is amended to read as follows:
2 33 d. The business has a business plan and has
2 34 received assistance in the development stage or the
2 35 expansion stage from ~~a~~ one of the following:
2 36 (1) A small business development center ~~or from a~~ .
2 37 (2) A qualified public or nonprofit small business
2 38 consultant as defined by the ~~department~~ authority.
2 39 (3) A bank, credit union, or extension office

2 40 deemed capable of administering the provisions of this
2 41 section by the authority.

2 42 Sec. _____. Section 15.301, subsection 4, unnumbered
2 43 paragraph 1, Code 2011, is amended to read as follows:
2 44 Upon approval of the application for financial
2 45 assistance by the ~~department~~ authority or an
2 46 organization designated pursuant to subsection 2,
2 47 paragraph "b", the eligible business shall enter into
2 48 an agreement with the ~~department~~ authority which shall
2 49 include but not be limited to all of the following
2 50 provisions:



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3 1 Sec. _____. Section 15.301, subsection 5, paragraph
3 2 b, Code 2011, is amended to read as follows:
3 3 b. An eligible business that receives financial
3 4 assistance under this section may subsequently
3 5 apply for financial assistance under other programs
3 6 administered by the ~~department~~ authority.
3 7 Sec. _____. Section 15.301, subsections 6 and 7, Code
3 8 2011, are amended to read as follows:
3 9 6. a. The small business development centers shall
3 10 track the number of referrals for assistance made to
3 11 the ~~department~~ authority for assistance under this
3 12 section and shall include that number in the small
3 13 business development center's annual report to the
3 14 general assembly.
3 15 b. The ~~department~~ authority in conjunction with
3 16 an organization designated pursuant to subsection
3 17 2, paragraph "b", shall by January 15 of each year
3 18 submit a report on the program administered pursuant
3 19 to this section to the general assembly. The report
3 20 shall include information on the number of businesses
3 21 that receive loans under the program and any other
3 22 information the ~~department~~ authority deems relevant to
3 23 assessing the success of the program.
3 24 7. The ~~department~~ authority shall adopt rules
3 25 pursuant to chapter 17A as necessary to administer the
3 26 program. The ~~department~~ authority may adopt emergency
3 27 rules under section 17A.4, subsection 3, and section
3 28 17A.5, subsection 2, paragraph "b", as necessary for
3 29 the administration of this section.>
3 30 #2. Page 26, before line 30 by inserting:
3 31 <Sec. _____. 2010 Iowa Acts, chapter 1184, section
3 32 43, is amended to read as follows:
3 33 SEC. 43. SAVE OUR SMALL BUSINESSES FUND
3 34 APPROPRIATION. There is appropriated from the school
3 35 infrastructure fund created in section 12.82 to the
3 36 department of economic development or a successor
3 37 entity for deposit in the save our small businesses
3 38 fund for the fiscal year beginning July 1, 2010, and
3 39 ending June 30, 2011, the following amount, or so much
3 40 thereof as is necessary, to be used for the purposes
3 41 designated:
3 42 For purposes of providing financial assistance under
3 43 the save our small businesses program under section
3 44 15.301:
3 45 \$ 5,000,000
3 46 Of the moneys appropriated pursuant to this section,
3 47 the department or a successor entity may allocate an
3 48 amount not to exceed ~~two~~ three percent of the moneys
3 49 appropriated for purposes of retaining the services of
3 50 an organization designated pursuant to section 15.301,



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4 1 subsection 2, paragraph "b", and for administrative
4 2 expenses incurred by the department or a successor
4 3 entity.
4 4 Notwithstanding section 8.33, moneys appropriated to
4 5 the department or a successor entity in this section
4 6 that remain unencumbered or unobligated at the close
4 7 of the fiscal year shall not revert but shall remain
4 8 available for expenditure for the purposes designated.
4 9 Sec. _____. EFFECTIVE UPON ENACTMENT. The section
4 10 of this division of this Act amending section 15.301,
4 11 being deemed of immediate importance, takes effect upon
4 12 enactment.>
4 13 #3. By renumbering as necessary.

THOMAS of Clayton
HF590.1698 (2) 84
tw/sc



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House Amendment 1390

PAG LIN

1 1 Amend Senate File 470, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 3, after line 30 by inserting:
1 4 <Sec. _____. Section 260C.14, Code 2011, is amended
1 5 by adding the following new subsection:
1 6 NEW SUBSECTION. 23. Adopt rules to waive tuition
1 7 and mandatory fee charges for any student in good
1 8 standing who is a resident of Iowa; is under the age of
1 9 twenty=six, or under the age of thirty if the student
1 10 is a qualified veteran as defined in subsection 14; is
1 11 not a convicted felon as defined in section 910.15; and
1 12 meets the following criteria:
1 13 a. Is the child of a peace officer, as defined in
1 14 section 97A.1, who receives benefits under section
1 15 97A.6, subsection 5, or was killed in the line of duty
1 16 as determined by the board of trustees of the Iowa
1 17 department of public safety peace officers' retirement,
1 18 accident, and disability system in accordance with
1 19 section 97A.6, subsection 16.
1 20 b. Is the child of a police officer or a fire
1 21 fighter, as defined in section 411.1, who receives
1 22 benefits under section 411.6, subsection 5, or
1 23 was killed in the line of duty as determined by
1 24 the statewide fire and police retirement system in
1 25 accordance with section 411.6, subsection 15.>
1 26 #2. Page 5, after line 22 by inserting:
1 27 <Sec. _____. Section 262.9, Code 2011, is amended by
1 28 adding the following new subsection:
1 29 NEW SUBSECTION. 36. Adopt rules that require the
1 30 institutions of higher education under its control
1 31 to waive tuition and mandatory fee charges for any
1 32 undergraduate student in good standing who is a
1 33 resident of Iowa; is under the age of twenty=six, or
1 34 under the age of thirty if the student is a qualified
1 35 veteran as defined in subsection 17; is not a convicted
1 36 felon as defined in section 910.15; and meets the
1 37 following criteria:
1 38 a. Is the child of a peace officer, as defined in
1 39 section 97A.1, who receives benefits under section
1 40 97A.6, subsection 5, or was killed in the line of duty
1 41 as determined by the board of trustees of the Iowa
1 42 department of public safety peace officers' retirement,
1 43 accident, and disability system in accordance with
1 44 section 97A.6, subsection 16.
1 45 b. Is the child of a police officer or a fire
1 46 fighter, as defined in section 411.1, who receives
1 47 benefits under section 411.6, subsection 5, or
1 48 was killed in the line of duty as determined by
1 49 the statewide fire and police retirement system in
1 50 accordance with section 411.6, subsection 15.>



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House Amendment 1390 continued

2 1 #3. Page 6, after line 30 by inserting:
2 2 <Sec. _____. EFFECTIVE UPON ENACTMENT AND
2 3 APPLICABILITY. The sections of this Act enacting
2 4 section 260C.14, subsection 23, and section 262.9,
2 5 subsection 36, being deemed of immediate importance,
2 6 take effect upon enactment and apply to tuition and
2 7 mandatory fees in effect on or after that date.>
2 8 #4. Title page, line 2, after <colleges> by
2 9 inserting <and the state board of regents and including
2 10 effective and applicability date provisions>
2 11 #5. By renumbering as necessary.

RUNNING=MARQUARDT of Linn
SF470.1725 (2) 84
kh/sc



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House Amendment 1391

PAG LIN

1 1 Amend House File 643 as follows:
1 2 #1. Page 1, after line 28 by inserting:
1 3 <Sec. _____. Section 466B.3, subsection 6, paragraph
1 4 b, Code 2011, is amended by adding the following new
1 5 subparagraph:
1 6 NEW SUBPARAGRAPH. (07) Review and assess the water
1 7 monitoring plan of the department of natural resources
1 8 and develop a protocol to prioritize the use of the
1 9 state's water quality monitoring resources.>
1 10 #2. Page 5, line 24, before <administering> by
1 11 inserting <implementing and>
1 12 #3. Page 5, after line 30 by inserting:
1 13 <Sec. _____. Section 455B.171, subsection 4, Code
1 14 2011, is amended to read as follows:
1 15 4. "Credible data" means scientifically valid
1 16 chemical, physical, or biological monitoring data
1 17 collected under a scientifically accepted sampling and
1 18 analysis plan, including quality control and quality
1 19 assurance procedures. Data dated more than five
1 20 years before the ~~department's~~ date of listing or other
1 21 determination under section 455B.194, subsection 1, by
1 22 the department of natural resources or the department
1 23 of agriculture and land stewardship, shall be presumed
1 24 not to be credible data unless ~~the~~ that department
1 25 identifies compelling reasons as to why the data is
1 26 credible.>
1 27 #4. Page 6, by striking lines 31 and 32 and
1 28 inserting:
1 29 <5. The department of ~~natural resources~~ agriculture
1 30 and land stewardship shall develop a methodology>
1 31 #5. Page 7, line 16, by striking <~~the either~~
1 32 department,> and inserting <the department of
1 33 agriculture and land stewardship,>
1 34 #6. Page 7, by striking lines 21 and 22 and
1 35 inserting <of agriculture and land stewardship shall
1 36 develop and maintain three>
1 37 #7. By striking page 7, line 31, through page 8,
1 38 line 16, and inserting <list. When developing a
1 39 section 303(d) list, the department of agriculture
1 40 and land stewardship is not required to use all data,
1 41 but ~~the department~~ it shall assemble and evaluate all
1 42 existing and readily available water quality-related
1 43 data and information. The department of agriculture
1 44 and land stewardship shall provide documentation to the
1 45 regional administrator of the federal environmental
1 46 protection agency to support the state's determination
1 47 to list or not to list its waters.
1 48 g. The department of agriculture and land
1 49 stewardship shall take into consideration any naturally
1 50 occurring condition when placing or removing any



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2 1 water of the state on any section 303(d) list, and
2 2 establishing or allocating responsibility for a total
2 3 maximum daily load.
2 4 h. Numerical standards shall have a preference
2 5 over narrative standards when determining whether
2 6 a water of the state is supporting its designated
2 7 use or other classification. A narrative standard
2 8 shall not constitute the basis for determining an
2 9 impairment unless the department of agriculture and
2 10 land stewardship identifies specific factors as to why
2 11 a numeric standard is not sufficient to assure adequate
2 12 water quality.>
2 13 #8. By striking page 8, line 32, through page 9,
2 14 line 15, and inserting:
2 15 <NEW SUBSECTION. 3. The division of soil
2 16 conservation of the department of agriculture and land
2 17 stewardship shall administer, coordinate, and promote
2 18 voluntary programs to address the total maximum daily
2 19 loads assigned to nonpoint sources and agricultural
2 20 sources. The department of natural resources shall
2 21 implement the waste load allocations assigned to
2 22 point sources in the total maximum daily load through
2 23 effluent limits if such sources are required to obtain
2 24 a national pollutant discharge elimination system
2 25 permit by section 402 of the federal Clean Water Act as
2 26 defined in section 455B.291.
2 27 NEW SUBSECTION. 4. The division of soil
2 28 conservation of the department of agriculture and land
2 29 stewardship shall prepare the water quality management
2 30 plan required by 33 U.S.C. { 1329, and provide the
2 31 plan, after notice and comment, to the governor for
2 32 submission to the regional administrator of the United
2 33 States environmental protection agency.>
2 34 #9. Page 9, by striking lines 16 through 25.
2 35 #10. Page 10, by striking lines 10 through 16 and
2 36 inserting:
2 37 <Sec. _____. EFFECTIVE DATE. This division of this
2 38 Act takes effect July 1, 2012.>
2 39 #11. Title page, line 3, by striking <providing an
2 40 appropriation,>
2 41 #12. By renumbering as necessary.

MOORE of Jackson
HF643.1737 (1) 84
da/nh



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House Amendment 1392

PAG LIN

1 1 Amend House File 561 as follows:
1 2 #1. Page 2, line 20, after <licensing,> by inserting
1 3 <operation that does not endanger the public or
1 4 environment,>

LENSING of Johnson
HF561.1703 (1) 84
rn/nh



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House Amendment 1393

PAG LIN

1	1	Amend House File 244 as follows:
1	2	#1. Page 2, line 16, after < <u>1</u> ,> by inserting < <u>and</u>
1	3	<u>upon court order</u> ,>
1	4	#2. By renumbering as necessary.

PEARSON of Polk
HF244.476 (2) 84
rh/nh



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House Amendment 1394

PAG LIN

1	1	Amend House File 594 as follows:
1	2	#1. Page 1, by striking lines 31 and 32 and
1	3	inserting:
1	4	<3. The bylaws shall not prohibit or restrict a
1	5	member from displaying the flag of the United States
1	6	on residential>
1	7	#2. By striking page 1, line 35, through page 2,
1	8	line 1.
1	9	#3. Page 3, by striking lines 5 and 6 and inserting:
1	10	<2. The bylaws shall not prohibit or restrict an
1	11	owner from displaying the flag of the United States on
1	12	residential>
1	13	#4. Page 3, by striking lines 9 and 10.

WATTS of Dallas
HF594.1795 (1) 84
jr/sc



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House Amendment 1395

PAG LIN

1 1 Amend House File 497 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. Section 249A.15A, Code 2011, is amended
1 5 to read as follows:
1 6 249A.15A Licensed marital and family therapists ~~and,~~
1 7 licensed master social workers, and licensed mental
1 8 health counselors.
1 9 1. The department shall adopt rules pursuant to
1 10 chapter 17A entitling marital and family therapists
1 11 who are licensed pursuant to chapter 154D to payment
1 12 for behavioral health services provided to recipients
1 13 of medical assistance, subject to limitations and
1 14 exclusions the department finds necessary on the basis
1 15 of federal laws and regulations.
1 16 2. The department shall adopt rules pursuant to
1 17 chapter 17A entitling master social workers who hold
1 18 a master's degree approved by the board of social
1 19 work, are licensed as a master social worker pursuant
1 20 to section 154C.3, subsection 1, paragraph "b", and
1 21 provide treatment services under the supervision of an
1 22 independent social worker licensed pursuant to section
1 23 154C.3, subsection 1, paragraph "c", to payment for
1 24 behavioral health services provided to recipients
1 25 of medical assistance, subject to limitations and
1 26 exclusions the department finds necessary on the basis
1 27 of federal laws and regulations.
1 28 3. The department shall adopt rules pursuant to
1 29 chapter 17A entitling mental health counselors who
1 30 are licensed pursuant to chapter 154D to payment for
1 31 behavioral health services provided to recipients
1 32 of medical assistance, subject to limitations and
1 33 exclusions the department finds necessary on the basis
1 34 of federal laws and regulations.
1 35 Sec. 2. MEDICAL ASSISTANCE STATE PLAN ==== MENTAL
1 36 HEALTH COUNSELORS. The department of human services
1 37 shall amend the medical assistance state plan to allow
1 38 mental health counselors licensed in the state to be
1 39 participating behavioral health providers under the
1 40 medical assistance program.>
1 41 #2. Title page, by striking lines 1 through 3 and
1 42 inserting <An Act relating to entitling mental health
1 43 counselors to payment for behavioral health services
1 44 provided under the Medicaid program.>

SCHULTE of Linn
HF497.1785 (2) 84
pf/nh



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House Amendment 1396

PAG LIN

1 1 Amend Senate File 233, as passed by the Senate, as
1 2 follows:

1 3 #1. By striking everything after the enacting clause
1 4 and inserting:

1 5 <Section 1. Section 249A.15A, Code 2011, is amended
1 6 to read as follows:

1 7 249A.15A Licensed marital and family therapists ~~and,~~
1 8 licensed master social workers, licensed mental health
1 9 counselors, and certified alcohol and drug counselors.

1 10 1. The department shall adopt rules pursuant to
1 11 chapter 17A entitling marital and family therapists
1 12 who are licensed pursuant to chapter 154D to payment
1 13 for behavioral health services provided to recipients
1 14 of medical assistance, subject to limitations and
1 15 exclusions the department finds necessary on the basis
1 16 of federal laws and regulations.

1 17 2. The department shall adopt rules pursuant to
1 18 chapter 17A entitling master social workers who hold
1 19 a master's degree approved by the board of social
1 20 work, are licensed as a master social worker pursuant
1 21 to section 154C.3, subsection 1, paragraph "b", and
1 22 provide treatment services under the supervision of an
1 23 independent social worker licensed pursuant to section
1 24 154C.3, subsection 1, paragraph "c", to payment for
1 25 behavioral health services provided to recipients
1 26 of medical assistance, subject to limitations and
1 27 exclusions the department finds necessary on the basis
1 28 of federal laws and regulations.

1 29 3. The department shall adopt rules pursuant to
1 30 chapter 17A entitling mental health counselors who
1 31 are licensed pursuant to chapter 154D to payment for
1 32 behavioral health services provided to recipients
1 33 of medical assistance, subject to limitations and
1 34 exclusions the department finds necessary on the basis
1 35 of federal laws and regulations.

1 36 4. The department shall adopt rules pursuant to
1 37 chapter 17A entitling alcohol and drug counselors who
1 38 are certified by the nongovernmental Iowa board of
1 39 substance abuse certification to payment for behavioral
1 40 health services provided to recipients of medical
1 41 assistance, subject to limitations and exclusions the
1 42 department finds necessary on the basis of federal laws
1 43 and regulations.

1 44 Sec. 2. MEDICAL ASSISTANCE STATE PLAN ==== MENTAL
1 45 HEALTH COUNSELORS. The department of human services
1 46 shall amend the medical assistance state plan to allow
1 47 mental health counselors licensed in the state and
1 48 alcohol and drug counselors certified in the state to
1 49 be participating behavioral health providers under the
1 50 medical assistance program.>



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House Amendment 1396 continued

2 1 #2. Title page, by striking lines 1 through 3 and
2 2 inserting <An Act relating to payment for behavioral
2 3 health services provided by licensed mental health
2 4 counselors and certified alcohol and drug counselors
2 5 under the Medicaid program.>

SCHULTE of Linn
SF233.1788 (3) 84
pf/nh



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House Amendment 1397

PAG LIN

1 1 Amend Senate File 427, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, before line 1 by inserting:
1 4 <Section 1. Section 99B.5A, subsection 1, paragraph
1 5 a, Code 2011, is amended to read as follows:
1 6 a. "Community festival" means a festival of no more
1 7 than ~~four~~ six consecutive days in length held by a
1 8 community group.>
1 9 #2. Page 1, after line 13 by inserting:
1 10 <Sec. ____ . EFFECTIVE UPON ENACTMENT. The following
1 11 provision of this Act, being deemed of immediate
1 12 importance, takes effect upon enactment:
1 13 1. The section of this Act amending section
1 14 99B.5A.>
1 15 #3. Title page, line 1, after <Act> by inserting
1 16 <relating to games of skill or chance, including>
1 17 #4. Title page, line 3, after <participants> by
1 18 inserting <, and including effective date provisions>
1 19 #5. By renumbering as necessary.

IVERSON of Wright
SF427.1790 (2) 84
aw/nh



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House Amendment 1398

PAG LIN

1 1 Amend House File 619 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. Section 99B.7, subsection 8, Code 2011,
1 5 is amended to read as follows:
1 6 8. a. A qualified organization licensed under this
1 7 section shall purchase bingo equipment and supplies
1 8 only from a manufacturer or a distributor licensed by
1 9 the department.
1 10 b. A qualified organization may also lease
1 11 electronic bingo equipment from a manufacturer or
1 12 distributor licensed by the department for the purposes
1 13 of aiding disabled individuals during a bingo occasion.
1 14 "Electronic bingo equipment" for the purposes of this
1 15 paragraph means an electronic device that aids in
1 16 the use of a bingo card during a bingo game. Such
1 17 electronic bingo equipment shall only be permitted for
1 18 use by disabled individuals.>
1 19 #2. Title page, by striking lines 1 through 4 and
1 20 inserting <An Act allowing qualified organizations to
1 21 lease certain electronic bingo equipment in order to
1 22 assist disabled participants.>

IVERSON of Wright
HF619.1789 (2) 84
aw/nh



Iowa General Assembly
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House Amendment 1399

PAG LIN

1 1 Amend House File 549 as follows:
1 2 #1. By striking page 1, line 16, through page 3,
1 3 line 25, and inserting:
1 4 <d. Any official traffic=control device, if failure
1 5 to comply with the official traffic=control device
1 6 constitutes a violation under this chapter.
1 7 Sec. _____. NEW SECTION. 321.5A Automated traffic
1 8 enforcement systems prohibited.
1 9 The department or a local authority shall not place
1 10 or cause to be placed on or adjacent to a highway, or
1 11 maintain or employ the use of, an automated traffic
1 12 enforcement system for the enforcement of any provision
1 13 of this chapter or any local ordinance relating to
1 14 motor vehicles.
1 15 Sec. _____. REMOVAL OF AUTOMATED TRAFFIC ENFORCEMENT
1 16 SYSTEMS ==== VALIDITY OF PRIOR NOTICES AND CITATIONS. A
1 17 local authority using an automated traffic enforcement
1 18 system on the effective date of this section of this
1 19 Act shall discontinue using the system and remove the
1 20 system equipment by July 1, 2011. Effective July 1,
1 21 2011, all local ordinances authorizing the use of
1 22 an automated traffic enforcement system are void.
1 23 However, notices of violations mailed or citations
1 24 issued pursuant to such an ordinance prior to July 1,
1 25 2011, shall not be invalidated by the enactment of this
1 26 Act and shall be processed according to the provisions
1 27 of the law under which they were authorized.
1 28 Sec. _____. EFFECTIVE UPON ENACTMENT. The section of
1 29 this Act relating to the removal of automated traffic
1 30 enforcement systems and the validity of prior notices
1 31 and citations, being deemed of immediate importance,
1 32 takes effect upon enactment.>
1 33 #2. Title page, line 1, by striking <relating to>
1 34 and inserting <prohibiting>
1 35 #3. Title page, line 2, after <systems> by inserting
1 36 <and requiring the removal of existing systems, and
1 37 including effective date provisions>
1 38 #4. By renumbering as necessary.

ROGERS of Black Hawk
HF549.1781 (2) 84
dea/rj



Iowa General Assembly
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House Amendment 1400

PAG LIN

1 1 Amend House File 603 as follows:
1 2 #1. Page 10, after line 1 by inserting:
1 3 <Sec. _____. Section 476.27, subsection 1, paragraph
1 4 g, Code 2011, is amended to read as follows:
1 5 g. "Railroad right-of-way" means one or more of the
1 6 following:
1 7 (1) A right-of-way or other interest in real estate
1 8 that is owned or operated by a railroad corporation,
1 9 or the trustees of a railroad corporation, or the
~~1 10 successor in interest of a railroad corporation.~~
1 11 (2) A right-of-way or other interest in real
1 12 estate that is occupied or managed by or on behalf
1 13 of a railroad corporation, or the trustees of a
1 14 railroad corporation, or the successor in interest of a
~~1 15 railroad corporation, including an abandoned railroad~~
~~1 16 right-of-way that has not otherwise reverted pursuant~~
~~1 17 to chapter 327G.~~
1 18 (3) Another interest in a former railroad
~~1 19 right-of-way that has been acquired or is operated by a~~
~~1 20 land management company or similar entity.>~~
1 21 #2. Title page, line 1, after <procedures> by
1 22 inserting <, certain rights-of-way,>
1 23 #3. By renumbering as necessary.

KAUFMANN of Cedar
HF603.1799 (2) 84
md/sc



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House Amendment 1401

PAG LIN

1 1 Amend Senate File 470, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 2, line 16, by striking <47> and inserting
1 4 <48>

BYRNES of Mitchell
SF470.1771 (2) 84
kh/sc



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House Amendment 1402

PAG LIN

1 1 Amend House File 514 as follows:
1 2 #1. Page 1, after line 27 by inserting:
1 3 <Sec. _____. Section 455B.105, subsection 11, Code
1 4 2011, is amended by adding the following new paragraph:
1 5 NEW PARAGRAPH. d. Any fee schedule adopted by the
1 6 commission regarding the regulation of division IV,
1 7 part 1 of this chapter shall not include fees that
1 8 exceed the actual, identifiable amount necessary for
1 9 such regulatory activities.
1 10 Sec. _____. Section 455B.304, Code 2011, is amended
1 11 by adding the following new subsection:
1 12 NEW SUBSECTION. 20. The commission shall adopt
1 13 rules prohibiting a planning area from imposing a fee
1 14 on the disposal of solid waste, including construction
1 15 and demolition waste, at a sanitary landfill outside
1 16 the planning area when the solid waste is being hauled
1 17 by the person who generated the solid waste inside the
1 18 planning area and the solid waste does not exceed one
1 19 ton at the time of disposal.>
1 20 #2. By renumbering as necessary.

WATTS of Dallas
HF514.1820 (1) 84
tm/nh



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House Amendment 1403

PAG LIN

1 1 Amend House File 594 as follows:
1 2 #1. Page 1, after line 7 by inserting:
1 3 <Sec. _____. NEW SECTION. 414.27 Display of American
1 4 flag or campaign signs.
1 5 A regulation or restriction pertaining to the use of
1 6 residential property that prohibits the display of the
1 7 American flag or the display of a political sign within
1 8 six weeks of the day of an election, is void as against
1 9 the public policy of this state and shall not be given
1 10 legal or equitable effect.>
1 11 #2. Page 1, by striking lines 31 and 32 and
1 12 inserting:
1 13 <3. The bylaws shall not prohibit or restrict a
1 14 member from displaying the flag of the United States
1 15 on residential>
1 16 #3. By striking page 1, line 35, through page 2,
1 17 line 1.
1 18 #4. Page 3, by striking lines 5 and 6 and inserting:
1 19 <2. The bylaws shall not prohibit or restrict an
1 20 owner from displaying the flag of the United States on
1 21 residential>
1 22 #5. Page 3, by striking lines 9 and 10.
1 23 #6. By renumbering as necessary.

WATTS of Dallas
HF594.1821 (1) 84
jr/sc



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House Amendment 1404

PAG LIN

1 1 Amend Senate File 7, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, before line 1 by inserting:
1 4 <Section 1. Section 462A.2, subsection 24, Code
1 5 2011, is amended to read as follows:
1 6 24. "Operate" means to navigate or otherwise use
1 7 a vessel or motorboat. For the purposes of section
1 8 462A.12, subsection 2, sections 462A.14, 462A.14A,
1 9 462A.14B, 462A.14C, 462A.14D, and 462A.14E, and section
1 10 462A.23, subsection 2, paragraph "b", "operate", when
1 11 used in reference to a motorboat, means the motorboat
1 12 is powered by an outboard motor of ten horsepower or
1 13 more, and is under way, and when used in reference to a
1 14 sailboat, means the sailboat is either powered by an
1 15 outboard motor of ten horsepower or more or has sails
1 16 hoisted and is not propelled by an engine, and is under
1 17 way.>
1 18 #2. Page 1, after line 3 by inserting:
1 19 <Sec. _____. Section 462A.14, Code 2011, is amended
1 20 by adding the following new subsection:
1 21 NEW SUBSECTION. 14. Notwithstanding any provision
1 22 of the law to the contrary, a peace officer shall not
1 23 stop a motorboat or sailboat without a particularized
1 24 and objective basis for suspecting that a violation
1 25 of the law has occurred which may include but is
1 26 not limited to an operating violation under section
1 27 462A.12.>
1 28 #3. Title page, line 1, by striking <providing for>
1 29 and inserting <relating to>
1 30 #4. By renumbering as necessary.

R. OLSON of Polk

HORBACH of Tama
SF7.1822 (2) 84
rh/rj



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House Amendment 1405

PAG LIN

1 1 Amend House File 458 as follows:
1 2 #1. Page 2, after line 3 by inserting:
1 3 <____. A person, firm, or corporation performing
1 4 labor for or furnishing materials to a subcontractor
1 5 who notifies the principal contractor in writing as
1 6 provided in subsection 1, paragraph "a", more than
1 7 forty=five calendar days after first performing the
1 8 labor or furnishing the materials for the public
1 9 improvement shall be entitled to a claim against the
1 10 retainage or bond under this chapter only for labor
1 11 performed or materials furnished after the date on
1 12 which the written notice was provided.>
1 13 #2. By renumbering as necessary.

BALTIMORE of Boone
HF458.1824 (2) 84
je/sc



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House Amendment 1406

PAG LIN

1 1 Amend House File 603 as follows:

1 2 #1. Page 1, by striking lines 1 through 24.

1 3 #2. Page 1, line 31, after <condemnation> by

1 4 inserting <, unless such condemnation is undertaken by
1 5 the department of transportation>

1 6 #3. Page 2, line 3, after <governor.> by inserting

1 7 <The approval requirements of this subsection shall not
1 8 apply to condemnation undertaken by the department of
1 9 transportation.>

1 10 #4. Page 2, before line 4 by inserting:

1 11 <Sec. _____. Section 6A.19, Code 2011, is amended to
1 12 read as follows:

1 13 6A.19 Interpretative clause.

1 14 A grant in this chapter of right to take private
1 15 property for a public use shall not be construed as
1 16 limiting a like grant elsewhere in the Code for another
1 17 and different use. Unless specifically provided by
1 18 law, this chapter shall not be construed to limit or
1 19 otherwise affect the application of chapters 478 and
1 20 479 to the eminent domain authority of the utilities
1 21 division of the department of commerce.>

1 22 #5. Page 2, by striking lines 10 through 16 and
1 23 inserting <In addition, the acquiring agency shall
1 24 conduct a review of prudent and feasible alternatives
1 25 to provision of a drinking water source prior to making
1 26 a determination that such lake development or creation
1 27 is reasonable and necessary.>

1 28 #6. By striking page 2, line 34, through page 3,
1 29 line 8, and inserting <by one or more registered
1 30 professional engineers. The registered professional
1 31 engineers may employ standards or guidelines other
1 32 than those recommended by the acquiring agency when
1 33 determining the number of acres justified as reasonable
1 34 and necessary for a surface drinking water source. The
1 35 data and information used by the professional engineers
1 36 to determine the drinking water capacity needs shall
1 37 include data and information relating to population
1 38 and commercial enterprise activity for the area from
1 39 the two most recent federal decennial censuses unless
1 40 the district court of the county in which the property
1 41 is situated has determined by a preponderance of the
1 42 evidence that such data would not accurately predict
1 43 the population and commercial enterprise activity of
1 44 the area in the future.>

1 45 #7. Page 3, by striking lines 10 through 13 and
1 46 inserting <capacity needs shall be performed upon
1 47 receipt by the acquiring agency of a petition signed
1 48 by not less than twenty=five percent of the affected
1 49 property owners. The engineer to perform the second
1 50 review or analysis shall be selected by a committee



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House Amendment 1406 continued

2 1 appointed by the affected property owners and comprised
2 2 of at least fifty percent property owners affected by
2 3 the proposed condemnation action. The>
2 4 #8. Page 3, by striking lines 21 through 28.
2 5 #9. Page 3, by striking line 31 and inserting:
2 6 <3.a. (1) ~~For~~ Except as provided in subparagraph
2 7 (2), for any action brought under this section, the
2 8 burden>
2 9 #10. Page 3, by striking line 35 and inserting
2 10 <meets the definition of those terms.
2 11 a. For any action brought under this section
2 12 relating to condemnation undertaken by the department
2 13 of transportation, the burden of proof shall be on the
2 14 department to prove by a preponderance of the evidence
2 15 that the finding of public use, public purpose, or
2 16 public improvement meets the definition of those terms.
2 17 b. If a property owner or a>
2 18 #11. Page 4, by striking line 9 and inserting: <<
2 19 1. The authority of an acquiring agency that is
2 20 not the department of transportation to condemn is not
2 21 conferred, and the>
2 22 #12. Page 4, after line 18 by inserting:
2 23 <2. The authority of the department of
2 24 transportation to condemn is not conferred, and the
2 25 condemnation proceedings shall not commence, unless
2 26 the department approves the use of condemnation and
2 27 there is a reasonable expectation the department will
2 28 be able to achieve its public purpose, comply with
2 29 all applicable standards, and obtain the necessary
2 30 permits.>
2 31 #13. By striking page 4, line 19, through page 5,
2 32 line 35.
2 33 #14. Page 6, line 17 , by striking <begun> and
2 34 inserting <progressed substantially from the date the
2 35 property was condemned>
2 36 #15. Page 7, by striking lines 5 through 24.
2 37 #16. By renumbering as necessary.

KAUFMANN of Cedar
HF603.1818 (2) 84
md/sc



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House Joint Resolution 16 - Introduced

HOUSE JOINT RESOLUTION
BY UPMEYER and McCARTHY

(COMPANION TO LSB
2600SS BY GRONSTAL)

HOUSE JOINT RESOLUTION

1 A Joint Resolution relating to the placement of a statue in the
2 United States capitol honoring Dr. Norman E. Borlaug.
3 WHEREAS, each state may provide two statues of notable
4 citizens for display in the United States capitol, and may
5 replace the statues if a resolution to do so is approved by a
6 state's legislature and governor; and
7 WHEREAS, Dr. Norman E. Borlaug was born March 25, 1914, on
8 a farm in Iowa, educated in a one-room school and worked his
9 way through college during the depression, eventually earning a
10 doctorate degree in plant pathology; and
11 WHEREAS, Dr. Borlaug, as a native son of Iowa, conducted
12 groundbreaking work in breeding varieties of wheat to feed
13 starving populations across the globe, earning the title of
14 father of the "green revolution"; and
15 WHEREAS, Dr. Borlaug's breakthrough achievements in plant
16 breeding resulted in the saving of as many as one billion
17 lives, leading to his being described as the man who saved more
18 lives than any other person who has ever lived; and
19 WHEREAS, Dr. Borlaug had the vision for the creation of the
20 world food prize as the equivalent of a Nobel prize for food
21 and agriculture; and
22 WHEREAS, in honor of his service to humanity, Dr. Borlaug
23 also received a Nobel peace prize, a presidential medal of
24 freedom, and the congressional gold medal; and
25 WHEREAS, the state of Iowa and the Iowa general assembly have
26 enacted a permanent day of recognition on October 16 as Dr.
27 Norman E. Borlaug World Food Prize Day; NOW THEREFORE,
28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2600HH (6) 84
jr/rj



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House Joint Resolution 16 - Introduced continued

PAG LIN

1 1 Section 1. REPLACEMENT AUTHORIZATION. The state of Iowa
1 2 authorizes the replacement of the statue of James Harlan with a
1 3 statue honoring Dr. Norman E. Borlaug.
1 4 Sec. 2. COMMITTEE CREATED. A committee of seven is created,
1 5 to be appointed by the governor and to serve at the pleasure of
1 6 the governor, to exchange the statue of James Harlan currently
1 7 on display in the United States capitol with a statue of Dr.
1 8 Borlaug.
1 9 a. The committee shall select its own chairperson and
1 10 establish its rules of procedure. The committee shall meet as
1 11 may be deemed necessary by the chairperson. A majority of the
1 12 members of the committee shall constitute a quorum.
1 13 b. Members shall serve without compensation or
1 14 reimbursement for actual expenses.
1 15 c. The committee shall raise all of the funds necessary for
1 16 the operation of the committee; and shall solicit donations to
1 17 exchange the statue, commission the creation of a new statue,
1 18 transport the replaced statue to the Iowa statehouse, and
1 19 make all arrangements with the architect of the United States
1 20 capitol necessary for the new statue to be put into place.
1 21 Sec. 3. ADMINISTRATIVE SUPPORT. The department of cultural
1 22 affairs shall provide all necessary administrative support for
1 23 the committee and shall administer the capitol statuary fund.
1 24 Sec. 4. CAPITOL STATUARY FUND. A capitol statuary fund
1 25 is created in the state treasury, to be administered by the
1 26 department of cultural affairs. The proceeds of the fund
1 27 shall be used for the purposes specified in section 2 of this
1 28 resolution. Any funds remaining after the exchange of statues
1 29 shall be used to suitably restore and relocate the Harlan
1 30 statue. The department may accept gifts, grants, bequests, and
1 31 other moneys, including but not limited to state or federal
1 32 moneys, and in-kind contributions for deposit in the fund.
1 33 Notwithstanding section 12C.7, interest or earnings on moneys
1 34 in the fund shall be credited to the fund. Notwithstanding
1 35 section 8.33, any unexpended or unencumbered moneys remaining



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House Joint Resolution 16 - Introduced continued

2 1 in the fund at the end of a fiscal year shall not revert to
2 2 the general fund of the state, but shall remain available
2 3 from the fund for expenditure by the department in succeeding
2 4 fiscal years for the purposes specified in section 2 of this
2 5 resolution.

2 6 Sec. 5. DISPLAY OF REPLACED STATUE. The department of
2 7 administrative services shall provide for a perpetual display
2 8 of the replaced statue at a suitable location within the
2 9 statehouse.

2 10	EXPLANATION
------	-------------

2 11 Under federal law each state is allowed to place two statues
2 12 of its noted personages in the U.S. capitol; and a state may
2 13 request federal approval for the replacement of a statue.
2 14 The federal law requires the request to be in the form of a
2 15 resolution adopted by the general assembly and approved by
2 16 the governor. The resolution must identify the statue to be
2 17 replaced, name the individual to be newly commemorated, and
2 18 cite the individual's qualifications. The resolution must
2 19 create a committee to select the sculptor and direct the method
2 20 of obtaining the necessary funds to meet all expenses.

2 21 This joint resolution provides for the exchange of the
2 22 statue of James Harlan with a statue of Dr. Norman Borlaug.

2 23 The joint resolution creates a seven-member committee
2 24 to raise, through donations, all funds necessary to make
2 25 this exchange. The committee members will not receive any
2 26 compensation or reimbursement. Staff support is to be provided
2 27 by the department of cultural affairs.

2 28 The joint resolution creates a capitol statuary fund in the
2 29 state treasury, administered by the department of cultural
2 30 affairs. The fund will finance committee operations, and the
2 31 exchange of statuary and the relocation of the Harlan statue.

2 32 James Harlan served in the U.S. senate and as the U.S.
2 33 secretary of the interior in 1865=1866. Geneticist Dr. Norman
2 34 E. Borlaug developed strains of high=yield wheat and received
2 35 the Nobel peace prize as father of the "green revolution".



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House Resolution 31 - Introduced

PAG LIN

HOUSE RESOLUTION NO.

BY MASSIE, PEARSON, SHAW, MOORE, KOESTER, IVERSON,
HAGER, ALONS, KAUFMANN, GRASSLEY, LUKAN, UPMEYER,
ARNOLD, BRANDENBURG, PAULSEN, HORBACH, ANDERSON, and
FRY

1 1 A Resolution calling for audit reform and transparency
1 2 of the Federal Reserve.

1 3 WHEREAS, honest stewardship of the public money and
1 4 credit is essential to preserve public confidence in
1 5 America's monetary system; and

1 6 WHEREAS, a transparent government governs best,
1 7 and a transparent monetary system is essential to a
1 8 stable, sustainable economy that avoids squandering
1 9 resources; and

1 10 WHEREAS, by promoting open and transparent
1 11 government, an audit of the Federal Reserve by the
1 12 Government Accountability Office will promote trust
1 13 in government and bring accountability to the Federal
1 14 Reserve; NOW THEREFORE,

1 15 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
1 16 the House of Representatives calls upon Congress to
1 17 enact appropriate legislation to require a full and
1 18 complete audit of the Federal Reserve, and that the
1 19 results be immediately provided to Congress and the
1 20 people of the United States of America; and

1 21 BE IT FURTHER RESOLVED, That the Chief Clerk of the
1 22 House of Representatives is directed to forward a copy
1 23 of this resolution to Iowa's congressional delegation.

LSB 2490HH (7) 84

jr/nh



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House Study Bill 222

HOUSE FILE

BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act increasing the maximum aggregate amount of tax credits
2 that may be issued under the fund of funds program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2412YC (2) 84
tw/sc



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House Study Bill 222 continued

PAG LIN

1 1 Section 1. Section 15E.66, subsection 1, Code 2011, is
1 2 amended to read as follows:
1 3 1. The board may issue certificates and related tax credits
1 4 to designated investors which, if redeemed for the maximum
1 5 possible amount, shall not exceed a total aggregate of ~~sixty~~
~~one hundred twenty=~~five million dollars of tax credits.
1 7 The certificates shall be issued contemporaneously with a
1 8 commitment to invest in the Iowa fund of funds by a designated
1 9 investor. A certificate issued by the board shall have a
1 10 specific maturity date or dates designated by the board and
1 11 shall be redeemable only in accordance with the contingencies
1 12 reflected on the certificate or incorporated therein by
1 13 reference. A certificate and the related tax credit shall be
1 14 transferable by the designated investor. A tax credit shall
1 15 not be claimed or redeemed except by a designated investor or
1 16 transferee in accordance with the terms of a certificate from
1 17 the board. A tax credit shall not be claimed for a tax year
1 18 that begins earlier than the maturity date or dates stated
1 19 on the certificate. An individual may claim the credit of a
1 20 partnership, limited liability company, S corporation, estate,
1 21 or trust electing to have the income taxed directly to the
1 22 individual. The amount claimed by the individual shall be
1 23 based upon the pro rata share of the individual's earnings from
1 24 the partnership, limited liability company, S corporation,
1 25 estate, or trust. Any tax credit in excess of the taxpayer's
1 26 tax liability for the tax year may be credited to the tax
1 27 liability for the following seven years, or until depleted,
1 28 whichever is earlier.

1 29 EXPLANATION

1 30 In 2010, the maximum aggregate amount of tax credits that
1 31 could be redeemed under the fund of funds program was reduced
1 32 from \$100 million to \$60 million. This bill increases the
1 33 maximum to \$125 million.

LSB 2412YC (2) 84

tw/sc



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Senate Amendment 3134

PAG LIN

1 1 Amend Senate File 415 as follows:

1 2 #1. By striking everything after the enacting clause
1 3 and inserting:

1 4 <Section 1. Section 142C.8, subsection 10, Code
1 5 2011, is amended to read as follows:

1 6 10. The physician, physician assistant, or advanced
1 7 registered nurse practitioner who attends the decedent
1 8 at death and the physician, physician assistant, or
1 9 advanced registered nurse practitioner who determines
1 10 the time of death shall not participate in the
1 11 procedures for removing or transplanting a part from
1 12 the decedent.

1 13 Sec. 2. Section 144.26, subsection 1, Code 2011, is
1 14 amended to read as follows:

1 15 1. a. A death certificate for each death which
1 16 occurs in this state shall be filed as directed by the
1 17 state registrar within three days after the death and
1 18 prior to final disposition, and shall be registered by
1 19 the county registrar if it has been completed and filed
1 20 in accordance with this chapter. A death certificate
1 21 shall include the social security number, if provided,
1 22 of the deceased person. All information including
1 23 the certifying physician's, physician assistant's, or
1 24 advanced registered nurse practitioner's name shall be
1 25 typewritten.

1 26 b. A physician assistant or an advanced registered
1 27 nurse practitioner authorized to sign a death
1 28 certificate shall be licensed in this state and shall
1 29 have been in charge of the deceased patient's care.

1 30 Sec. 3. Section 144.28, subsection 1, paragraphs b
1 31 and e, Code 2011, are amended to read as follows:

1 32 b. Unless there is a nonnatural cause of death,
1 33 the medical certification shall be completed and
1 34 signed by the physician, physician assistant, or
1 35 advanced registered nurse practitioner in charge of
1 36 the patient's care for the illness or condition which
1 37 resulted in death within seventy-two hours after
1 38 receipt of the death certificate from the funeral
1 39 director or individual who initially assumes custody
1 40 of the body.

1 41 e. If upon inquiry into a death, the county or
1 42 state medical examiner determines that a preexisting
1 43 natural disease or condition was the likely cause of
1 44 death and that the death does not affect the public
1 45 interest as described in section 331.802, subsection
1 46 3, the medical examiner may elect to defer to the
1 47 physician, physician assistant, or advanced registered
1 48 nurse practitioner in charge of the patient's
1 49 preexisting condition the certification of the cause
1 50 of death.>



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SF415.1553 (1) 84
jr/nh



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Senate Amendment 3135

PAG LIN

1 1 Amend Senate File 293 as follows:
1 2 #1. Page 9, after line 20 by inserting:
1 3 <Sec. _____. NEW SECTION. 148F.7A Supervision of
1 4 naturopathic physicians.
1 5 A naturopathic physician shall be supervised by a
1 6 physician licensed to practice medicine and surgery or
1 7 osteopathic medicine and surgery.>
1 8 #2. By renumbering as necessary.

DICK L. DEARDEN
SF293.1711 (2) 84
jr/nh



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Senate Amendment 3136

PAG LIN

1 1 Amend Senate File 480 as follows:
1 2 #1. By striking page 1, line 1, through page 3, line
1 3 13.
1 4 #2. By striking page 8, line 32, through page 9,
1 5 line 3.
1 6 #3. Page 11, by striking lines 20 through 25 and
1 7 inserting <October 1, 2011.>
1 8 #4. By renumbering as necessary.

JACK HATCH
SF480.1722 (2) 84
pf/rj



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Senate Amendment 3137

PAG LIN

- 1 1 Amend Senate File 506 as follows:
- 1 2 #1. Page 1, lines 22 and 23, by striking <has ten or
- 1 3 fewer full-time employees and who otherwise>
- 1 4 #2. By renumbering as necessary.

RANDY FEENSTRA
SF506.1728 (2) 84
tw/sc



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Senate Amendment 3138

PAG LIN

1 1 Amend Senate File 506 as follows:
1 2 #1. Page 1, by striking lines 31 through 33 and
1 3 inserting:
1 4 <Sec. _____. REPEAL. Section 422.12M, Code 2011, is
1 5 repealed.
1 6 Sec. _____. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
1 7 APPLICABILITY. This Act, being deemed of immediate
1 8 importance, takes effect upon enactment and applies
1 9 retroactively to January 1, 2011, for tax years
1 10 beginning on or after that date.>
1 11 #2. Title page, by striking lines 1 through 3 and
1 12 inserting <An Act relating to the administration of
1 13 the tax laws by providing for a small employer health
1 14 insurance tax credit and by repealing a requirement
1 15 that taxpayers indicate on their tax returns the
1 16 presence or absence of health coverage for their
1 17 dependent children and apply for certain public
1 18 health care coverage, and including effective date and
1 19 retroactive applicability provisions.>

JERRY BEHN
SF506.1768 (3) 84
tw/sc



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Senate Amendment 3139

PAG LIN

- 1 1 Amend Senate File 506 as follows:
- 1 2 #1. Page 1, line 9, after <employers> by inserting
- 1 3 <whose commercial domicile is Iowa>
- 1 4 #2. By renumbering as necessary.

THOMAS RIELLY
SF506.1721 (1) 84
tw/sc



Iowa General Assembly
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Senate Amendment 3140

PAG LIN

1 1 Amend Senate File 509 as follows:
1 2 #1. Page 4, line 23, by striking <fund> and
1 3 inserting <fund for the fiscal year beginning July 1,
1 4 2011, and ending June 30, 2012,>
1 5 #2. Page 4, after line 26 by inserting:
1 6 <____. Notwithstanding section 455A.10, the
1 7 department of natural resources may use the
1 8 unappropriated balance remaining in the state fish and
1 9 game protection fund for the fiscal year beginning July
1 10 1, 2011, and ending June 30, 2012, as is necessary
1 11 to fund salary adjustments for departmental employees
1 12 which the general assembly has made an operating budget
1 13 appropriation for in subsection 1.>

DENNIS H. BLACK

DAVID JOHNSON
SF509.1792 (1) 84
da/jp



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Senate Amendment 3141

PAG LIN

1 1 Amend Senate File 471 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. NEW SECTION. 17A.4B Negotiated
1 5 rulemaking.
1 6 1. An agency shall create a negotiated rulemaking
1 7 group if required by statute. An agency may, on
1 8 its own motion or upon request, create a negotiated
1 9 rulemaking group if the agency determines that a
1 10 negotiated rulemaking group can adequately represent
1 11 the interests that will be significantly affected
1 12 by a draft rule proposal and that it is feasible and
1 13 appropriate in the particular rulemaking. Notice of
1 14 the creation of a negotiated rulemaking group shall
1 15 be published in the Iowa administrative bulletin.
1 16 Upon establishing a negotiated rulemaking group,
1 17 the agency shall also specify a time frame for group
1 18 deliberations.
1 19 2. Unless otherwise provided by statute, the
1 20 agency shall appoint a sufficient number of members
1 21 to the group so that a fair cross section of opinions
1 22 and interests regarding the draft rule proposal
1 23 is represented. One person shall be appointed to
1 24 represent the agency. The group shall select its own
1 25 chairperson and adopt its rules of procedure. All
1 26 meetings of the group shall be open to the public.
1 27 A majority of the membership constitutes a quorum.
1 28 Members shall not receive any per diem payment but
1 29 shall be reimbursed for all necessary expenses. Any
1 30 vacancy shall be filled in the same manner as the
1 31 initial appointment.
1 32 3. Prior to the publication of a notice of intended
1 33 action, the group shall consider the terms or substance
1 34 of the rule drafted by the agency and shall attempt to
1 35 reach a consensus concerning the draft rule proposal.
1 36 4. If a group reaches a consensus on a draft rule
1 37 proposal, the group shall transmit to the agency a
1 38 report containing the consensus on the draft rule
1 39 proposal. If the group does not reach a consensus on a
1 40 draft rule proposal within the specified time frame,
1 41 the group shall transmit to the agency a report stating
1 42 that inability to reach a consensus and specifying any
1 43 areas in which the group reached a consensus. The
1 44 group may include in a report any other information,
1 45 recommendations, or materials that the group considers
1 46 appropriate. Any group member may include as an
1 47 addendum to the report additional information,
1 48 recommendations, or materials. A report issued under
1 49 this subsection shall not be considered final agency
1 50 action for purposes of judicial review.



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Senate Amendment 3141 continued

2 1 5. Unless otherwise provided by statute, following
2 2 a negotiated rulemaking group consideration of a draft
2 3 rule proposal, the agency may commence rulemaking as
2 4 provided in section 17A.4. The group is automatically
2 5 abolished upon the agency's adoption of the rule
2 6 pursuant to the provisions of section 17A.5.
2 7 Sec. 2. Section 17A.7, subsection 2, Code 2011, is
2 8 amended by striking the subsection and inserting in
2 9 lieu thereof the following:
2 10 2. Over a five=year period of time, an agency
2 11 shall conduct an ongoing and comprehensive review of
2 12 all of the agency's rules. The goal of the review
2 13 is the identification and elimination of all rules of
2 14 the agency that are outdated, redundant, overbroad,
2 15 ineffective, unnecessary, or otherwise undesirable.
2 16 An agency shall commence its review by developing a
2 17 plan of review in consultation with major stakeholders
2 18 and constituent groups. As part of its review, an
2 19 agency shall review existing policy and interpretive
2 20 statements or similar documents to determine whether
2 21 it would be necessary or appropriate to adopt these
2 22 statements or documents as rules.
2 23 a. An agency shall establish its five=year plan for
2 24 review of its rules and publish the plan in the Iowa
2 25 administrative bulletin.
2 26 b. An agency's plan for review shall do all of the
2 27 following:
2 28 (1) Contain a schedule that lists when the review
2 29 of each rule or rule group will occur.
2 30 (2) State the method by which the agency will
2 31 determine whether the rule under review meets the
2 32 criteria listed in this section.
2 33 (3) Provide a means for public participation in the
2 34 review process and specify how interested persons may
2 35 participate in the review.
2 36 (4) Identify instances where the agency may require
2 37 an exception to the review requirements.
2 38 (5) Provide a process for ongoing review of rules
2 39 after the initial five=year review period has expired.
2 40 c. An agency shall consider all of the following
2 41 criteria when reviewing its rules:
2 42 (1) The need for the rule.
2 43 (2) The clarity of the rule.
2 44 (3) The intent and legal authority for the rule.
2 45 (4) The qualitative and quantitative benefits and
2 46 costs of the rule.
2 47 (5) The fairness of the rule.
2 48 d. When an agency completes its five=year review of
2 49 its rules, the agency shall provide a summary of the
2 50 results to the administrative rules coordinator and the



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Senate Amendment 3141 continued

3 1 administrative rules review committee.
3 2 Sec. 3. RED TAPE INTERIM STUDY COMMISSION.
3 3 1. The legislative council is requested
3 4 to establish an interim study commission to
3 5 comprehensively review all rules and regulations
3 6 in order to assess the effects of such rules and
3 7 regulations on Iowa's economy and to determine
3 8 whether the resulting burdens on small businesses and
3 9 workers outweigh the intended benefits. The study
3 10 commission shall also review the application processes
3 11 for permits, grants, and tax credits to ensure the
3 12 processes are streamlined.
3 13 2. The study commission should submit a report to
3 14 the general assembly by December 15, 2011.>
3 15 #2. Title page, by striking line 1 and inserting <An
3 16 Act relating to the review of administrative rules and
3 17 application processes.>

JEFF DANIELSON
SF471.1811 (1) 84
jr/nh



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Senate Amendment 3142

PAG LIN

1 1 Amend Senate File 406 as follows:
1 2 #1. Page 1, by striking lines 1 through 10.
1 3 #2. Page 2, by striking lines 22 through 26 and
1 4 inserting:
1 5 <NEW SUBSECTION. 19. The commissioner may propose
1 6 and promulgate administrative rules to effectuate the
1 7 insurance provisions of the federal Patient Protection
1 8 and Affordable Care Act, Pub. L. No. 111=148, as
1 9 amended by the federal Health Care and Education
1 10 Reconciliation Act of 2010, Pub. L. No. 111=152, and
1 11 any amendments thereto, or other applicable federal
1 12 law.>
1 13 #3. Page 3, line 8, by striking <subsection 3, Code
1 14 2011, is> and inserting <subsections 3 and 4, Code
1 15 2011, are>
1 16 #4. Page 3, by striking line 14 and inserting <all
1 17 comments>
1 18 #5. Page 3, line 16, by striking <or disapproval>
1 19 and inserting <~~or~~, disapproval, or modification>
1 20 #6. Page 3, after line 17 by inserting:
1 21 <4. The consumer advocate shall present the public
1 22 testimony, if any, and public comments received for
1 23 consideration by the commissioner in determining
1 24 whether to approve, ~~or~~ disapprove, or modify such
1 25 health insurance rate increase proposals.>
1 26 #7. Page 16, line 6, by striking <transactions,> and
1 27 inserting <transactions>
1 28 #8. Page 16, line 8, by striking <transactions,> and
1 29 inserting <transactions>
1 30 #9. Page 16, line 10, by striking <instruments
1 31 or securities> and inserting <instruments used or
1 32 securities pledged>
1 33 #10. Page 16, line 12, by striking <of the
1 34 applicable collateral agreement> and inserting <the
1 35 applicable collateral>
1 36 #11. Page 17, after line 13 by inserting:
1 37 <Sec. _____. Section 513B.2, subsection 18, Code
1 38 2011, is amended to read as follows:
1 39 18. "Small employer" means a person actively
1 40 engaged in business who, on at least fifty percent of
1 41 the employer's working days during the preceding year,
1 42 employed ~~not less than two~~ at least one and not more
1 43 than fifty full-time equivalent eligible employees. In
1 44 determining the number of eligible employees, companies
1 45 which are affiliated companies or which are eligible
1 46 to file a combined tax return for purposes of state
1 47 taxation are considered one employer.
1 48 Sec. _____. Section 514C.13, subsection 1, paragraph
1 49 j, Code 2011, is amended to read as follows:
1 50 j. "Small employer" means a person actively engaged



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Senate Amendment 3142 continued

2 1 in business who, during at least fifty percent of the
2 2 employer's working days during the preceding calendar
2 3 year, employed ~~not less than two~~ at least one and not
2 4 more than fifty full-time equivalent employees.>
2 5 #12. Page 18, after line 29 by inserting:
2 6 <Sec. _____. Section 515.129A, subsection 1, Code
2 7 2011, is amended to read as follows:
2 8 1. ~~A~~ After a personal lines policy or contract
2 9 of insurance which has been in effect for more than
2 10 sixty days or more, the policy or contract shall not be
2 11 canceled except by notice to the insured as provided
2 12 in this chapter.>
2 13 #13. Page 18, by striking lines 32 and 33 and
2 14 inserting:
2 15 <1. a. Notwithstanding the provisions of ~~sections~~
2 16 ~~515.125 through 515.127~~ section 515.129A, a notice of>
2 17 #14. Page 19, by striking lines 3 and 4 and
2 18 inserting <notwithstanding the provisions of ~~sections~~
2 19 ~~515.125 and 515.127~~ section 515.129A, at least ten days
2 20 prior to the date of cancellation.>
2 21 #15. Page 19, line 24, by striking <~~515.128~~> and
2 22 inserting <515.128>
2 23 #16. Page 20, line 4, by striking <and> and
2 24 inserting <or>
2 25 #17. Page 24, after line 24 by inserting:
2 26 <Sec. _____. REPEAL. Section 515.135, Code 2011, is
2 27 repealed.>
2 28 #18. By renumbering as necessary.

MATT McCOY
SF406.1285 (2) 84
av/sc



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Senate Amendment 3143

PAG LIN

1 1 Amend Senate File 497 as follows:
1 2 #1. By striking page 1, line 1, through page 3, line
1 3 12.
1 4 #2. Page 7, line 24, by striking <division of this>
1 5 #3. Title page, by striking lines 1 through 3
1 6 and inserting <An Act establishing a home inspector
1 7 registration program, providing penalties,>
1 8 #4. By renumbering as necessary.

SWATI DANDEKAR

MATT McCOY
SF497.1816 (1) 84
md/sc



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Senate Amendment 3144

PAG LIN

1 1 Amend Senate File 480 as follows:
1 2 #1. Page 15, line 26, by striking <all>
1 3 #2. Page 15, line 28, by striking <including> and
1 4 inserting <that are consistent with the state's goals
1 5 and strategies and will provide a net benefit to the
1 6 state, including>
1 7 #3. Page 17, by striking line 5 and inserting
1 8 <program subject to all applicable state and federal
1 9 laws and regulations. The department may also employ
1 10 new payment models,>
1 11 #4. Page 17, line 10, after <if> by inserting <the
1 12 centers for Medicare and Medicaid services of the
1 13 United States department of health and human services
1 14 approves participation of the medical assistance
1 15 program in the pilot project and>
1 16 #5. Page 17, line 23, after <facility> by inserting
1 17 <as consistent with any other law enacted by the
1 18 Eighty=fourth general assembly, 2011 session, that
1 19 redesigns the mental health delivery system in the
1 20 state>

JACK HATCH
SF480.1804 (1) 84
pf/rj



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Senate Amendment 3145

PAG LIN

1 1 Amend Senate File 423 as follows:
1 2 #1. Page 1, by striking line 8 and inserting <under
1 3 chapter 299A may demonstrate proficiency by submitting
1 4 the written recommendation of the licensed practitioner
1 5 providing supervision to the student in accordance
1 6 with section 299A.2; may demonstrate proficiency
1 7 as evidenced by achievement scores on the annual
1 8 achievement evaluation required under section 299A.4;
1 9 or may demonstrate proficiency as evidenced>
1 10 #2. Page 1, line 10, after <of> by inserting <at
1 11 least>

HERMAN C. QUIRMBACH
SF423.1776 (2) 84
kh/sc



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Senate Amendment 3146

PAG LIN

1 1 Amend Senate File 467 as follows:
1 2 #1. Page 7, by striking line 25 and inserting <under
1 3 chapter 299A may demonstrate proficiency by submitting
1 4 the written recommendation of the licensed practitioner
1 5 providing supervision to the student in accordance
1 6 with section 299A.2; may demonstrate proficiency
1 7 as evidenced by achievement scores on the annual
1 8 achievement evaluation required under section 299A.4;
1 9 or may demonstrate proficiency as evidenced>
1 10 #2. Page 7, line 27, after <of> by inserting <at
1 11 least>

HERMAN C. QUIRMBACH
SF467.1779 (1) 84
kh/sc



Iowa General Assembly
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Senate File 510 - Introduced

SENATE FILE
BY COMMITTEE ON
APPROPRIATIONS

(SUCCESSOR TO SSB
1198)

A BILL FOR

1 An Act relating to and making appropriations to the justice
2 system.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1005SV (2) 84
jm/jp



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Senate File 510 - Introduced continued

PAG LIN

1 1 Section 1. DEPARTMENT OF JUSTICE.
1 2 1. There is appropriated from the general fund of the state
1 3 to the department of justice for the fiscal year beginning July
1 4 1, 2011, and ending June 30, 2012, the following amounts, or
1 5 so much thereof as is necessary, to be used for the purposes
1 6 designated:
1 7 a. For the general office of attorney general for salaries,
1 8 support, maintenance, and miscellaneous purposes, including
1 9 the prosecuting attorneys training program, matching funds for
1 10 federal violence against women grant program, victim assistance
1 11 grants, office of drug control policy prosecuting attorney
1 12 program, and odometer fraud enforcement, and for not more than
1 13 the following full-time equivalent positions:
1 14 \$ 7,942,930
1 15 FTEs 212.00
1 16 It is the intent of the general assembly that as a condition
1 17 of receiving the appropriation provided in this lettered
1 18 paragraph, the department of justice shall maintain a record
1 19 of the estimated time incurred representing each agency or
1 20 department.
1 21 b. For victim assistance grants:
1 22 \$ 2,876,400
1 23 The funds appropriated in this lettered paragraph shall be
1 24 used to provide grants to care providers providing services to
1 25 crime victims of domestic abuse or to crime victims of rape and
1 26 sexual assault.
1 27 The balance of the victim compensation fund established in
1 28 section 915.94 may be used to provide salary and support of not
1 29 more than 24 FTEs and to provide maintenance for the victim
1 30 compensation functions of the department of justice.
1 31 The department of justice shall transfer at least \$150,000
1 32 from the victim compensation fund established in section 915.94
1 33 to the victim assistance grant program.
1 34 c. For legal services for persons in poverty grants as
1 35 provided in section 13.34:



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Senate File 510 - Introduced continued

2 1 \$ 1,814,831
2 2 2. a. The department of justice, in submitting budget
2 3 estimates for the fiscal year commencing July 1, 2012, pursuant
2 4 to section 8.23, shall include a report of funding from sources
2 5 other than amounts appropriated directly from the general fund
2 6 of the state to the department of justice or to the office of
2 7 consumer advocate. These funding sources shall include but
2 8 are not limited to reimbursements from other state agencies,
2 9 commissions, boards, or similar entities, and reimbursements
2 10 from special funds or internal accounts within the department
2 11 of justice. The department of justice shall also report actual
2 12 reimbursements for the fiscal year commencing July 1, 2010,
2 13 and actual and expected reimbursements for the fiscal year
2 14 commencing July 1, 2011.
2 15 b. The department of justice shall include the report
2 16 required under paragraph "a", as well as information regarding
2 17 any revisions occurring as a result of reimbursements actually
2 18 received or expected at a later date, in a report to the
2 19 co=chairpersons and ranking members of the joint appropriations
2 20 subcommittee on the justice system and the legislative services
2 21 agency. The department of justice shall submit the report on
2 22 or before January 15, 2012.
2 23 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated
2 24 from the department of commerce revolving fund created in
2 25 section 546.12 to the office of consumer advocate of the
2 26 department of justice for the fiscal year beginning July 1,
2 27 2011, and ending June 30, 2012, the following amount, or so
2 28 much thereof as is necessary, to be used for the purposes
2 29 designated:
2 30 For salaries, support, maintenance, miscellaneous purposes,
2 31 and for not more than the following full=time equivalent
2 32 positions:
2 33 \$ 3,336,344
2 34 FTEs 22.00
2 35 Sec. 3. DEPARTMENT OF CORRECTIONS ==== FACILITIES.



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Senate File 510 - Introduced continued

3 1 1. There is appropriated from the general fund of the
3 2 state to the department of corrections for the fiscal year
3 3 beginning July 1, 2011, and ending June 30, 2012, the following
3 4 amounts, or so much thereof as is necessary, to be used for the
3 5 operation of adult correctional institutions, reimbursement
3 6 of counties for certain confinement costs, and federal prison
3 7 reimbursement, to be allocated as follows:
3 8 a. For the operation of the Fort Madison correctional
3 9 facility, including salaries, support, maintenance, and
3 10 miscellaneous purposes:
3 11 \$ 41,345,606
3 12 b. For the operation of the Anamosa correctional facility,
3 13 including salaries, support, maintenance, and miscellaneous
3 14 purposes:
3 15 \$ 31,985,974
3 16 c. For the operation of the Oakdale correctional facility,
3 17 including salaries, support, maintenance, and miscellaneous
3 18 purposes:
3 19 \$ 55,600,610
3 20 d. For the operation of the Newton correctional facility,
3 21 including salaries, support, maintenance, and miscellaneous
3 22 purposes:
3 23 \$ 25,958,757
3 24 e. For the operation of the Mt. Pleasant correctional
3 25 facility, including salaries, support, maintenance, and
3 26 miscellaneous purposes:
3 27 \$ 25,917,815
3 28 f. For the operation of the Rockwell City correctional
3 29 facility, including salaries, support, maintenance, and
3 30 miscellaneous purposes:
3 31 \$ 9,316,466
3 32 g. For the operation of the Clarinda correctional facility,
3 33 including salaries, support, maintenance, and miscellaneous
3 34 purposes:
3 35 \$ 24,482,356



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Senate File 510 - Introduced continued

4 1 Moneys received by the department of corrections as
4 2 reimbursement for services provided to the Clarinda youth
4 3 corporation are appropriated to the department and shall be
4 4 used for the purpose of operating the Clarinda correctional
4 5 facility.
4 6 h. For the operation of the Mitchellville correctional
4 7 facility, including salaries, support, maintenance, and
4 8 miscellaneous purposes:
4 9 \$ 15,615,374
4 10 i. For the operation of the Fort Dodge correctional
4 11 facility, including salaries, support, maintenance, and
4 12 miscellaneous purposes:
4 13 \$ 29,062,235
4 14 j. For reimbursement of counties for temporary confinement
4 15 of work release and parole violators, as provided in sections
4 16 901.7, 904.908, and 906.17, and for offenders confined pursuant
4 17 to section 904.513:
4 18 \$ 775,092
4 19 k. For federal prison reimbursement, reimbursements for
4 20 out-of-state placements, and miscellaneous contracts:
4 21 \$ 239,411
4 22 2. The department of corrections shall use moneys
4 23 appropriated in subsection 1 to continue to contract for the
4 24 services of a Muslim imam and Native American spiritual leader.
4 25 Sec. 4. DEPARTMENT OF CORRECTIONS === ADMINISTRATION.
4 26 1. There is appropriated from the general fund of the state
4 27 to the department of corrections for the fiscal year beginning
4 28 July 1, 2011, and ending June 30, 2012, the following amounts,
4 29 or so much thereof as is necessary, to be used for the purposes
4 30 designated:
4 31 a. For general administration, including salaries, support,
4 32 maintenance, employment of an education director to administer
4 33 a centralized education program for the correctional system,
4 34 and miscellaneous purposes:
4 35 \$ 4,835,542



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Senate File 510 - Introduced continued

5 1 (1) It is the intent of the general assembly that as a
5 2 condition of receiving the appropriation provided in this
5 3 lettered paragraph the department of corrections shall not,
5 4 except as otherwise provided in subparagraph (3), enter
5 5 into a new contract, unless the contract is a renewal of an
5 6 existing contract, for the expenditure of moneys in excess of
5 7 \$100,000 during the fiscal year beginning July 1, 2011, for the
5 8 privatization of services performed by the department using
5 9 state employees as of July 1, 2011, or for the privatization
5 10 of new services by the department without prior consultation
5 11 with any applicable state employee organization affected
5 12 by the proposed new contract and prior notification of the
5 13 co=chairpersons and ranking members of the joint appropriations
5 14 subcommittee on the justice system.

5 15 (2) It is the intent of the general assembly that each
5 16 lease negotiated by the department of corrections with a
5 17 private corporation for the purpose of providing private
5 18 industry employment of inmates in a correctional institution
5 19 shall prohibit the private corporation from utilizing inmate
5 20 labor for partisan political purposes for any person seeking
5 21 election to public office in this state and that a violation
5 22 of this requirement shall result in a termination of the lease
5 23 agreement.

5 24 (3) It is the intent of the general assembly that as a
5 25 condition of receiving the appropriation provided in this
5 26 lettered paragraph the department of corrections shall not
5 27 enter into a lease or contractual agreement pursuant to section
5 28 904.809 with a private corporation for the use of building
5 29 space for the purpose of providing inmate employment without
5 30 providing that the terms of the lease or contract establish
5 31 safeguards to restrict, to the greatest extent feasible, access
5 32 by inmates working for the private corporation to personal
5 33 identifying information of citizens.

5 34 b. For educational programs for inmates at state penal
5 35 institutions:



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Senate File 510 - Introduced continued

6 1 \$ 2,383,109
6 2 (1) As a condition of receiving the appropriation in
6 3 this lettered paragraph, the department of corrections
6 4 shall transfer at least \$300,000 from the canteen operating
6 5 funds established pursuant to section 904.310 to be used for
6 6 correctional educational programs funded in this lettered
6 7 paragraph.
6 8 (2) It is the intent of the general assembly that moneys
6 9 appropriated in this lettered paragraph shall be used solely
6 10 for the purpose indicated and that the moneys shall not be
6 11 transferred for any other purpose. In addition, it is the
6 12 intent of the general assembly that the department shall
6 13 consult with the community colleges in the areas in which the
6 14 institutions are located to utilize moneys appropriated in this
6 15 lettered paragraph to fund the high school completion, high
6 16 school equivalency diploma, adult literacy, and adult basic
6 17 education programs in a manner so as to maintain these programs
6 18 at the institutions.
6 19 (3) To maximize the funding for educational programs,
6 20 the department shall establish guidelines and procedures to
6 21 prioritize the availability of educational and vocational
6 22 training for inmates based upon the goal of facilitating an
6 23 inmate's successful release from the correctional institution.
6 24 (4) The director of the department of corrections may
6 25 transfer moneys from Iowa prison industries for use in
6 26 educational programs for inmates.
6 27 (5) Notwithstanding section 8.33, moneys appropriated in
6 28 this lettered paragraph that remain unobligated or unexpended
6 29 at the close of the fiscal year shall not revert but shall
6 30 remain available for expenditure only for the purpose
6 31 designated in this lettered paragraph until the close of the
6 32 succeeding fiscal year.
6 33 c. For the development of the Iowa corrections offender
6 34 network (ICON) data system:
6 35 \$ 424,364



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Senate File 510 - Introduced continued

7 1 d. For offender mental health and substance abuse
7 2 treatment:
7 3 \$ 22,319
7 4 e. For viral hepatitis prevention and treatment:
7 5 \$ 167,881
7 6 2. It is the intent of the general assembly that the
7 7 department of corrections shall continue to operate the
7 8 correctional farms under the control of the department at
7 9 the same or greater level of participation and involvement
7 10 as existed as of January 1, 2011; shall not enter into any
7 11 rental agreement or contract concerning any farmland under
7 12 the control of the department that is not subject to a rental
7 13 agreement or contract as of January 1, 2011, without prior
7 14 legislative approval; and shall further attempt to provide
7 15 job opportunities at the farms for inmates. The department
7 16 shall attempt to provide job opportunities at the farms for
7 17 inmates by encouraging labor-intensive farming or gardening
7 18 where appropriate; using inmates to grow produce and meat for
7 19 institutional consumption; researching the possibility of
7 20 instituting food canning and cook-and-chill operations; and
7 21 exploring opportunities for organic farming and gardening,
7 22 livestock ventures, horticulture, and specialized crops.
7 23 3. The department of corrections shall solicit requests for
7 24 information to improve efficiencies at the pharmacy under the
7 25 control of the department.
7 26 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
7 27 SERVICES.
7 28 1. There is appropriated from the general fund of the state
7 29 to the department of corrections for the fiscal year beginning
7 30 July 1, 2011, and ending June 30, 2012, for salaries, support,
7 31 maintenance, and miscellaneous purposes, the following amounts,
7 32 or so much thereof as is necessary, to be allocated as follows:
7 33 a. For the first judicial district department of
7 34 correctional services:
7 35 \$ 13,890,258



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Senate File 510 - Introduced continued

8 1 b. For the second judicial district department of
8 2 correctional services:
8 3 \$ 10,336,948
8 4 c. For the third judicial district department of
8 5 correctional services:
8 6 \$ 5,599,765
8 7 d. For the fourth judicial district department of
8 8 correctional services:
8 9 \$ 5,391,355
8 10 e. For the fifth judicial district department of
8 11 correctional services, including funding for electronic
8 12 monitoring devices for use on a statewide basis:
8 13 \$ 18,742,129
8 14 f. For the sixth judicial district department of
8 15 correctional services:
8 16 \$ 13,112,563
8 17 g. For the seventh judicial district department of
8 18 correctional services:
8 19 \$ 7,259,155
8 20 h. For the eighth judicial district department of
8 21 correctional services:
8 22 \$ 6,879,715
8 23 2. Each judicial district department of correctional
8 24 services, within the funding available, shall continue programs
8 25 and plans established within that district to provide for
8 26 intensive supervision, sex offender treatment, diversion of
8 27 low-risk offenders to the least restrictive sanction available,
8 28 job development, and expanded use of intermediate criminal
8 29 sanctions.
8 30 3. Each judicial district department of correctional
8 31 services shall provide alternatives to prison consistent with
8 32 chapter 901B. The alternatives to prison shall ensure public
8 33 safety while providing maximum rehabilitation to the offender.
8 34 A judicial district department of correctional services may
8 35 also establish a day program.



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Senate File 510 - Introduced continued

9 1 4. The governor's office of drug control policy shall
9 2 consider federal grants made to the department of corrections
9 3 for the benefit of each of the eight judicial district
9 4 departments of correctional services as local government
9 5 grants, as defined pursuant to federal regulations.
9 6 5. The department of corrections shall continue to contract
9 7 with a judicial district department of correctional services to
9 8 provide for the rental of electronic monitoring equipment which
9 9 shall be available statewide.
9 10 Sec. 6. DEPARTMENT OF CORRECTIONS ==== REALLOCATION OF
9 11 APPROPRIATIONS. Notwithstanding section 8.39, within
9 12 the moneys appropriated in this Act to the department of
9 13 corrections, the department may reallocate the moneys
9 14 appropriated and allocated as necessary to best fulfill the
9 15 needs of the correctional institutions, administration of
9 16 the department, and the judicial district departments of
9 17 correctional services. However, in addition to complying with
9 18 the requirements of sections 904.116 and 905.8 and providing
9 19 notice to the legislative services agency, the department
9 20 of corrections shall also provide notice to the department
9 21 of management, prior to the effective date of the revision
9 22 or reallocation of an appropriation made pursuant to this
9 23 section. The department of corrections shall not reallocate an
9 24 appropriation or allocation for the purpose of eliminating any
9 25 program.
9 26 Sec. 7. INTENT ==== REPORTS.
9 27 1. The department of corrections in cooperation with
9 28 townships, the Iowa cemetery associations, and other nonprofit
9 29 or governmental entities may use inmate labor during the
9 30 fiscal year beginning July 1, 2011, to restore or preserve
9 31 rural cemeteries and historical landmarks. The department in
9 32 cooperation with the counties may also use inmate labor to
9 33 clean up roads, major water sources, and other water sources
9 34 around the state.
9 35 2. On a quarterly basis the department shall provide a



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10 1 status report regarding private=sector employment to the
10 2 legislative services agency beginning on July 1, 2011. The
10 3 report shall include the number of offenders employed in the
10 4 private sector, the combined number of hours worked by the
10 5 offenders, the total amount of allowances, and the distribution
10 6 of allowances pursuant to section 904.702, including any moneys
10 7 deposited in the general fund of the state.

10 8 Sec. 8. ELECTRONIC MONITORING REPORT. The department of
10 9 corrections shall submit a report on electronic monitoring to
10 10 the general assembly, to the co=chairpersons and the ranking
10 11 members of the joint appropriations subcommittee on the justice
10 12 system, and to the legislative services agency by January
10 13 15, 2012. The report shall specifically address the number
10 14 of persons being electronically monitored and break down the
10 15 number of persons being electronically monitored by offense
10 16 committed. The report shall also include a comparison of any
10 17 data from the prior fiscal year with the current year.

10 18 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

10 19 1. As used in this section, unless the context otherwise
10 20 requires, "state agency" means the government of the state
10 21 of Iowa, including but not limited to all executive branch
10 22 departments, agencies, boards, bureaus, and commissions, the
10 23 judicial branch, the general assembly and all legislative
10 24 agencies, institutions within the purview of the state board of
10 25 regents, and any corporation whose primary function is to act
10 26 as an instrumentality of the state.

10 27 2. State agencies are hereby encouraged to purchase
10 28 products from Iowa state industries, as defined in section
10 29 904.802, when purchases are required and the products are
10 30 available from Iowa state industries. State agencies shall
10 31 obtain bids from Iowa state industries for purchases of
10 32 office furniture during the fiscal year beginning July 1,
10 33 2011, exceeding \$5,000 or in accordance with applicable
10 34 administrative rules related to purchases for the agency.

10 35 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated from



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11 1 the general fund of the state to the office of the state public
11 2 defender of the department of inspections and appeals for the
11 3 fiscal year beginning July 1, 2011, and ending June 30, 2012,
11 4 the following amounts, or so much thereof as is necessary, to
11 5 be allocated as follows for the purposes designated:

11 6 1. For salaries, support, maintenance, miscellaneous
11 7 purposes, and for not more than the following full-time
11 8 equivalent positions:

11 9 \$ 24,083,182
11 10 FTEs 219.00

11 11 2. For the fees of court-appointed attorneys for indigent
11 12 adults and juveniles, in accordance with section 232.141 and
11 13 chapter 815:

11 14 \$ 26,680,929

11 15 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

11 16 1. There is appropriated from the general fund of the
11 17 state to the Iowa law enforcement academy for the fiscal year
11 18 beginning July 1, 2011, and ending June 30, 2012, the following
11 19 amount, or so much thereof as is necessary, to be used for the
11 20 purposes designated:

11 21 For salaries, support, maintenance, miscellaneous purposes,
11 22 including jailer training and technical assistance, and for not
11 23 more than the following full-time equivalent positions:

11 24 \$ 868,698
11 25 FTEs 24.55

11 26 It is the intent of the general assembly that the Iowa law
11 27 enforcement academy may provide training of state and local
11 28 law enforcement personnel concerning the recognition of and
11 29 response to persons with Alzheimer's disease.

11 30 The Iowa law enforcement academy may temporarily exceed and
11 31 draw more than the amount appropriated in this subsection and
11 32 incur a negative cash balance as long as there are receivables
11 33 equal to or greater than the negative balance and the amount
11 34 appropriated in this subsection is not exceeded at the close
11 35 of the fiscal year.



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12 1 2. The Iowa law enforcement academy may select at least
12 2 five automobiles of the department of public safety, division
12 3 of state patrol, prior to turning over the automobiles to
12 4 the department of administrative services to be disposed
12 5 of by public auction, and the Iowa law enforcement academy
12 6 may exchange any automobile owned by the academy for each
12 7 automobile selected if the selected automobile is used in
12 8 training law enforcement officers at the academy. However, any
12 9 automobile exchanged by the academy shall be substituted for
12 10 the selected vehicle of the department of public safety and
12 11 sold by public auction with the receipts being deposited in the
12 12 depreciation fund to the credit of the department of public
12 13 safety, division of state patrol.

12 14 Sec. 12. BOARD OF PAROLE. There is appropriated from the
12 15 general fund of the state to the board of parole for the fiscal
12 16 year beginning July 1, 2011, and ending June 30, 2012, the
12 17 following amount, or so much thereof as is necessary, to be
12 18 used for the purposes designated:

12 19 For salaries, support, maintenance, miscellaneous purposes,
12 20 and for not more than the following full-time equivalent
12 21 positions:

12 22	\$	1,053,835
12 23	FTEs	12.50

12 24 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
12 25 appropriated from the general fund of the state to the
12 26 department of public defense for the fiscal year beginning July
12 27 1, 2011, and ending June 30, 2012, the following amounts, or
12 28 so much thereof as is necessary, to be used for the purposes
12 29 designated:

12 30 1. MILITARY DIVISION

12 31 For salaries, support, maintenance, miscellaneous purposes,
12 32 and for not more than the following full-time equivalent
12 33 positions:

12 34	\$	5,527,042
12 35	FTEs	313.00



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13 1 The military division may temporarily exceed and draw more
13 2 than the amount appropriated in this subsection and incur a
13 3 negative cash balance as long as there are receivables of
13 4 federal funds equal to or greater than the negative balance and
13 5 the amount appropriated in this subsection is not exceeded at
13 6 the close of the fiscal year.

13 7 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

13 8 For salaries, support, maintenance, miscellaneous purposes,
13 9 and for not more than the following full-time equivalent
13 10 positions:

13 11	\$	1,836,877
13 12	FTEs	40.00

13 13 a. The homeland security and emergency management
13 14 division may temporarily exceed and draw more than the amount
13 15 appropriated in this subsection and incur a negative cash
13 16 balance as long as there are receivables of federal funds
13 17 equal to or greater than the negative balance and the amount
13 18 appropriated in this subsection is not exceeded at the close
13 19 of the fiscal year.

13 20 b. It is the intent of the general assembly that the
13 21 homeland security and emergency management division work in
13 22 conjunction with the department of public safety, to the extent
13 23 possible, when gathering and analyzing information related
13 24 to potential domestic or foreign security threats, and when
13 25 monitoring such threats.

13 26 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is appropriated
13 27 from the general fund of the state to the department of public
13 28 safety for the fiscal year beginning July 1, 2011, and ending
13 29 June 30, 2012, the following amounts, or so much thereof as is
13 30 necessary, to be used for the purposes designated:

13 31 1. For the department's administrative functions, including
13 32 the criminal justice information system, and for not more than
13 33 the following full-time equivalent positions:

13 34	\$	4,007,075
13 35	FTEs	36.00



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14 1 2. For the division of criminal investigation, including
14 2 the state's contribution to the peace officers' retirement,
14 3 accident, and disability system provided in chapter 97A in the
14 4 amount of the state's normal contribution rate, as defined in
14 5 section 97A.8, multiplied by the salaries for which the funds
14 6 are appropriated, to meet federal fund matching requirements,
14 7 and for not more than the following full-time equivalent
14 8 positions:

14 9	\$ 12,533,931
14 10	FTEs 159.10

14 11 The department shall employ one additional special agent and
14 12 one additional criminalist for the purpose of investigating
14 13 cold cases. Prior to employing the additional special agent
14 14 and criminalist authorized in this paragraph, the department
14 15 shall provide a written statement to prospective employees that
14 16 states to the effect that the positions are being funded by a
14 17 temporary federal grant and there are no assurances that funds
14 18 from other sources will be available after the federal funding
14 19 expires. If the federal funding for the additional positions
14 20 expires during the fiscal year, the number of full-time
14 21 equivalent positions authorized in this subsection is reduced
14 22 by 2.00 FTEs.

14 23 3. For the criminalistics laboratory fund created in
14 24 section 691.9:

14 25	\$ 302,345
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14 26 4. a. For the division of narcotics enforcement, including
14 27 the state's contribution to the peace officers' retirement,
14 28 accident, and disability system provided in chapter 97A in the
14 29 amount of the state's normal contribution rate, as defined in
14 30 section 97A.8, multiplied by the salaries for which the funds
14 31 are appropriated, to meet federal fund matching requirements,
14 32 and for not more than the following full-time equivalent
14 33 positions:

14 34	\$ 6,429,884
14 35	FTEs 74.00



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15 1 b. For the division of narcotics enforcement for undercover
15 2 purchases:
15 3 \$ 109,042
15 4 5. For the division of state fire marshal, for fire
15 5 protection services as provided through the state fire service
15 6 and emergency response council as created in the department,
15 7 and for the state's contribution to the peace officers'
15 8 retirement, accident, and disability system provided in chapter
15 9 97A in the amount of the state's normal contribution rate, as
15 10 defined in section 97A.8, multiplied by the salaries for which
15 11 the funds are appropriated, and for not more than the following
15 12 full-time equivalent positions:
15 13 \$ 4,298,707
15 14 FTEs 55.00
15 15 6. For the division of state patrol, for salaries, support,
15 16 maintenance, workers' compensation costs, and miscellaneous
15 17 purposes, including the state's contribution to the peace
15 18 officers' retirement, accident, and disability system provided
15 19 in chapter 97A in the amount of the state's normal contribution
15 20 rate, as defined in section 97A.8, multiplied by the salaries
15 21 for which the funds are appropriated, and for not more than the
15 22 following full-time equivalent positions:
15 23 \$ 52,026,698
15 24 FTEs 513.00
15 25 It is the intent of the general assembly that members of the
15 26 state patrol be assigned to patrol the highways and roads in
15 27 lieu of assignments for inspecting school buses for the school
15 28 districts.
15 29 7. For deposit in the sick leave benefits fund established
15 30 under section 80.42 for all departmental employees eligible to
15 31 receive benefits for accrued sick leave under the collective
15 32 bargaining agreement:
15 33 \$ 279,517
15 34 8. For costs associated with the training and equipment
15 35 needs of volunteer fire fighters:



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16 1 \$ 725,520
16 2 a. Notwithstanding section 8.33, moneys appropriated in
16 3 this subsection that remain unencumbered or unobligated at the
16 4 close of the fiscal year shall not revert but shall remain
16 5 available for expenditure only for the purpose designated in
16 6 this subsection until the close of the succeeding fiscal year.
16 7 b. Notwithstanding section 8.39, within the moneys
16 8 appropriated in this section, the department of public safety
16 9 may reallocate moneys as necessary to best fulfill the needs
16 10 provided for in the appropriation. However, the department
16 11 shall not reallocate an appropriation made to the department
16 12 in this section unless notice of the reallocation is given
16 13 to the legislative services agency and the department of
16 14 management prior to the effective date of the reallocation.
16 15 The notice shall include information regarding the rationale
16 16 for reallocating the appropriation. The department shall
16 17 not reallocate an appropriation made in this section for the
16 18 purpose of eliminating any program.
16 19 Sec. 15. GAMING ENFORCEMENT.
16 20 1. There is appropriated from the gaming enforcement
16 21 revolving fund created in section 80.43 to the department of
16 22 public safety for the fiscal year beginning July 1, 2011, and
16 23 ending June 30, 2012, the following amount, or so much thereof
16 24 as is necessary, to be used for the purposes designated:
16 25 For any direct and indirect support costs for agents
16 26 and officers of the division of criminal investigation's
16 27 excursion gambling boat, gambling structure, and racetrack
16 28 enclosure enforcement activities, including salaries, support,
16 29 maintenance, miscellaneous purposes, and for not more than the
16 30 following full-time equivalent positions:
16 31 \$ 9,836,306
16 32 FTEs 120.00
16 33 2. For each additional license to conduct gambling games on
16 34 an excursion gambling boat, gambling structure, or racetrack
16 35 enclosure issued during the fiscal year beginning July 1, 2011,



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Senate File 510 - Introduced continued

17 1 there is appropriated from the gaming enforcement fund to the
17 2 department of public safety for the fiscal year beginning July
17 3 1, 2011, an additional amount of not more than \$521,000 to be
17 4 used for not more than 6.00 additional full-time equivalent
17 5 positions.

17 6 3. The department of public safety, with the approval
17 7 of the department of management, may employ no more than two
17 8 special agents and four gaming enforcement officers for each
17 9 additional riverboat or gambling structure regulated after July
17 10 1, 2011, and one special agent for each racing facility which
17 11 becomes operational during the fiscal year which begins July 1,
17 12 2011. One additional gaming enforcement officer, up to a total
17 13 of four per riverboat or gambling structure, may be employed
17 14 for each riverboat or gambling structure that has extended
17 15 operations to 24 hours and has not previously operated with a
17 16 24-hour schedule. Positions authorized in this subsection are
17 17 in addition to the full-time equivalent positions otherwise
17 18 authorized in this section.

17 19 Sec. 16. CIVIL RIGHTS COMMISSION. There is appropriated
17 20 from the general fund of the state to the Iowa state civil
17 21 rights commission for the fiscal year beginning July 1,
17 22 2011, and ending June 30, 2012, the following amount, or so
17 23 much thereof as is necessary, to be used for the purposes
17 24 designated:

17 25 For salaries, support, maintenance, miscellaneous purposes,
17 26 and for not more than the following full-time equivalent
17 27 positions:

17 28	\$	1,397,069
17 29	FTEs	28.00

17 30 The Iowa state civil rights commission may enter into
17 31 a contract with a nonprofit organization to provide legal
17 32 assistance to resolve civil rights complaints.

17 33 Sec. 17. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
17 34 DIVISION. There is appropriated from the wireless E911
17 35 emergency communications fund created in section 34A.7A to the



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18 1 administrator of the homeland security and emergency management
18 2 division of the department of public defense for the fiscal
18 3 year beginning July 1, 2011, and ending June 30, 2012, an
18 4 amount not exceeding \$200,000 to be used for implementation,
18 5 support, and maintenance of the functions of the administrator
18 6 and program manager under chapter 34A and to employ the auditor
18 7 of the state to perform an annual audit of the wireless E911
18 8 emergency communications fund.

18 9 Sec. 18. 2009 Iowa Acts, chapter 178, section 20, is amended
18 10 to read as follows:

18 11 SEC. 20. CONSUMER EDUCATION AND LITIGATION
18 12 FUND. Notwithstanding section 714.16C, for each fiscal
18 13 year of the period beginning July 1, 2008, and ending June
18 14 30, ~~2011~~ 2013, the annual appropriations in section 714.16C,
18 15 are increased from \$1,125,000 to \$1,875,000, and \$75,000 to
18 16 \$125,000 respectively. Moneys appropriated from the consumer
18 17 education and litigation fund may be allocated for cash flow
18 18 purposes to the victim compensation fund established in section
18 19 915.94 during each of the fiscal years enumerated, provided
18 20 that any moneys so allocated are returned to the consumer
18 21 education and litigation fund by the end of each fiscal year an
18 22 allocation occurs.

18 23 Sec. 19. IOWA COMMUNICATIONS NETWORK. It is the
18 24 intent of the general assembly that the executive branch
18 25 agencies receiving an appropriation in this Act utilize
18 26 the Iowa communications network or secure other electronic
18 27 communications in lieu of traveling for the fiscal year
18 28 addressed by the appropriations.

18 29 Sec. 20. CORRECTIONAL OFFICER AND PEACE OFFICER POSITIONS
18 30 ==== PRIORITY. As a condition of receiving an appropriation in
18 31 this Act, the department of corrections and the department of
18 32 public safety shall make every effort to preserve correctional
18 33 officer and peace officer positions through the reduction of
18 34 administrative and related overhead costs.

18 35 EXPLANATION



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19 1 This bill relates to and makes appropriations to the justice
19 2 system.
19 3 The bill makes appropriations from the general fund of the
19 4 state for fiscal year 2011=2012 to the departments of justice,
19 5 corrections, public defense, and public safety, and the Iowa
19 6 law enforcement academy, office of the state public defender,
19 7 board of parole, and Iowa state civil rights commission.
19 8 The bill appropriates moneys from the department of commerce
19 9 revolving fund to the office of consumer advocate of the
19 10 department of justice.
19 11 The bill requires the department of corrections to solicit
19 12 requests for information to improve efficiencies at the
19 13 pharmacy under control of the department of corrections.
19 14 The bill also appropriates moneys from the gaming
19 15 enforcement revolving fund to the department of public safety.
19 16 The division also authorizes FTEs related to gaming enforcement
19 17 in the fund.
19 18 The bill also provides that for each additional license to
19 19 conduct gambling games on an excursion gambling boat, gambling
19 20 structure, or racetrack enclosure issued during the fiscal
19 21 period beginning on July 1, 2011, there is appropriated from
19 22 the gaming enforcement fund to the department of public safety
19 23 for the fiscal year beginning July 1, 2011, an additional
19 24 amount of not more than \$521,000 to be used for not more than
19 25 6.00 additional full-time equivalent positions. Additional
19 26 positions are authorized for each riverboat or gambling
19 27 structure that extends operations to 24 hours.
19 28 The bill amends 2009 Iowa Acts, chapter 178, to extend the
19 29 fiscal period that increases the annual appropriations from
19 30 the consumer education and litigation fund in Code section
19 31 714.16C, to the department of justice. The bill extends the
19 32 fiscal period authorizing such increases from the fiscal period
19 33 beginning on July 1, 2008, and ending on June 30, 2011, to the
19 34 fiscal period beginning on July 1, 2008, and ending June 30,
19 35 2013. By extending the fiscal period that authorizes increased



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20 1 appropriations from the consumer education and litigation fund,
20 2 the bill also extends the fiscal period that moneys may be
20 3 allocated from the consumer education and litigation fund to
20 4 the victim compensation fund for cash flow purposes, if the
20 5 moneys so allocated are returned to the consumer and education
20 6 litigation fund by the end of each fiscal year the allocation
20 7 occurs.

20 8 The bill requires the department of corrections and the
20 9 department of public safety to make every effort to preserve
20 10 correctional officer and peace officer positions through the
20 11 reduction of administrative and related overhead costs.

LSB 1005SV (2) 84

jm/jp



Iowa General Assembly
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Senate File 511 - Introduced

SENATE FILE
BY COMMITTEE ON
APPROPRIATIONS

(SUCCESSOR TO SSB
1197)

A BILL FOR

1 An Act relating to and making appropriations to the judicial
2 branch.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1006SV (2) 84
jm/jp



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1 1 Section 1. JUDICIAL BRANCH.
1 2 1. There is appropriated from the general fund of the state
1 3 to the judicial branch for the fiscal year beginning July 1,
1 4 2011, and ending June 30, 2012, the following amount, or so
1 5 much thereof as is necessary, to be used for the purposes
1 6 designated:
1 7 a. For salaries of supreme court justices, appellate court
1 8 judges, district court judges, district associate judges,
1 9 judicial magistrates and staff, state court administrator,
1 10 clerk of the supreme court, district court administrators,
1 11 clerks of the district court, juvenile court officers, board of
1 12 law examiners and board of examiners of shorthand reporters and
1 13 judicial qualifications commission; receipt and disbursement
1 14 of child support payments; reimbursement of the auditor
1 15 of state for expenses incurred in completing audits of the
1 16 offices of the clerks of the district court during the fiscal
1 17 year beginning July 1, 2011; and maintenance, equipment, and
1 18 miscellaneous purposes:
1 19 \$154,221,822
1 20 b. For deposit in the revolving fund created pursuant
1 21 to section 602.1302, subsection 3, for jury and witness
1 22 fees, mileage, costs related to summoning jurors, fees for
1 23 interpreters, and reimbursement of attorney fees paid by the
1 24 state public defender:
1 25 \$ 2,300,000
1 26 2. The judicial branch, except for purposes of internal
1 27 processing, shall use the current state budget system, the
1 28 state payroll system, and the Iowa finance and accounting
1 29 system in administration of programs and payments for services,
1 30 and shall not duplicate the state payroll, accounting, and
1 31 budgeting systems.
1 32 3. The judicial branch shall submit monthly financial
1 33 statements to the legislative services agency and the
1 34 department of management containing all appropriated accounts
1 35 in the same manner as provided in the monthly financial status



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2 1 reports and personal services usage reports of the department
2 2 of administrative services. The monthly financial statements
2 3 shall include a comparison of the dollars and percentage
2 4 spent of budgeted versus actual revenues and expenditures on
2 5 a cumulative basis for full-time equivalent positions and
2 6 dollars.

2 7 4. The judicial branch shall focus efforts upon the
2 8 collection of delinquent fines, penalties, court costs, fees,
2 9 surcharges, or similar amounts.

2 10 5. In addition to the requirements for transfers under
2 11 section 8.39, the judicial branch shall not change the
2 12 appropriations from the amounts appropriated to the judicial
2 13 branch in this Act, unless notice of the revisions is given
2 14 prior to their effective date to the legislative services
2 15 agency. The notice shall include information on the branch's
2 16 rationale for making the changes and details concerning the
2 17 workload and performance measures upon which the changes are
2 18 based.

2 19 6. The judicial branch shall submit a semiannual update
2 20 to the legislative services agency specifying the amounts of
2 21 fines, surcharges, and court costs collected using the Iowa
2 22 court information system since the last report. The judicial
2 23 branch shall continue to facilitate the sharing of vital
2 24 sentencing and other information with other state departments
2 25 and governmental agencies involved in the criminal justice
2 26 system through the Iowa court information system.

2 27 7. The judicial branch shall provide a report to the general
2 28 assembly by January 1, 2012, concerning the amounts received
2 29 and expended from the enhanced court collections fund created
2 30 in section 602.1304 and the court technology and modernization
2 31 fund created in section 602.8108, subsection 7, during the
2 32 fiscal year beginning July 1, 2010, and ending June 30, 2011,
2 33 and the plans for expenditures from each fund during the fiscal
2 34 year beginning July 1, 2011, and ending June 30, 2012. A copy
2 35 of the report shall be provided to the legislative services



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3 1 agency.

3 2 8. The judicial branch is encouraged to purchase products
3 3 from Iowa state industries, as defined in section 904.802, when
3 4 purchases are required and the products are available from Iowa
3 5 state industries. The judicial branch shall obtain bids from
3 6 Iowa state industries for purchases of office furniture during
3 7 the fiscal year beginning July 1, 2011, exceeding \$5,000.

3 8 Sec. 2. CIVIL TRIALS ==== LOCATION. Notwithstanding any
3 9 provision to the contrary, for the fiscal year beginning July
3 10 1, 2011, and ending June 30, 2012, if all parties in a case
3 11 agree, a civil trial including a jury trial may take place in a
3 12 county contiguous to the county with proper jurisdiction, even
3 13 if the contiguous county is located in an adjacent judicial
3 14 district or judicial election district. If the trial is moved
3 15 pursuant to this section, court personnel shall treat the case
3 16 as if a change of venue occurred. However, if a trial is moved
3 17 to an adjacent judicial district or judicial election district,
3 18 the judicial officers serving in the judicial district or
3 19 judicial election district receiving the case shall preside
3 20 over the case.

3 21 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section
3 22 602.1509, for the fiscal year beginning July 1, 2011, a
3 23 judicial officer may waive travel reimbursement for any travel
3 24 outside the judicial officer's county of residence to conduct
3 25 official judicial business.

3 26 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT ====
3 27 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
3 28 required to be provided by the judicial branch for fiscal year
3 29 2011=2012 to the legislative services agency shall be provided
3 30 in an electronic format. The legislative services agency shall
3 31 post the reports on its internet website and shall notify by
3 32 electronic means all the members of the joint appropriations
3 33 subcommittee on the justice system when a report is posted.
3 34 Upon request, copies of the reports may be mailed to members of
3 35 the joint appropriations subcommittee on the justice system.



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Senate File 511 - Introduced continued

4 1 Sec. 5. JUDICIAL OFFICER ===== UNPAID LEAVE. Notwithstanding
4 2 the annual salary rates for judicial officers established by
4 3 2008 Iowa Acts, chapter 1191, section 11, for the fiscal year
4 4 beginning July 1, 2011, and ending June 30, 2012, the supreme
4 5 court may by order place all judicial officers on unpaid leave
4 6 status on any day employees of the judicial branch are placed
4 7 on temporary layoff status. The biweekly pay of the judicial
4 8 officers shall be reduced accordingly for the pay period in
4 9 which the unpaid leave date occurred in the same manner as
4 10 for noncontract employees of the judicial branch. Through
4 11 the course of the fiscal year, the judicial branch may use an
4 12 amount equal to the aggregate amount of salary reductions due
4 13 to the judicial officer unpaid leave days for any purpose other
4 14 than for judicial salaries.

4 15 Sec. 6. IOWA COMMUNICATIONS NETWORK. It is the intent
4 16 of the general assembly that the judicial branch utilize
4 17 the Iowa communications network or other secure electronic
4 18 communications in lieu of traveling for the fiscal year
4 19 beginning July 1, 2011.

4 20	EXPLANATION
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4 21 This bill appropriates from the general fund of the state for
4 22 FY 2011=2012 to the judicial branch for salaries, maintenance,
4 23 equipment, and miscellaneous purposes.

4 24 The bill appropriates \$2.3 million from the general fund
4 25 of the state to the revolving fund created in Code section
4 26 602.1302 for jury and witness fees, mileage, costs related to
4 27 summoning jurors, fees for interpreters, and certain attorney
4 28 fee reimbursement.

4 29 The bill provides that a civil trial including a jury trial
4 30 may take place in a county contiguous to the county with proper
4 31 jurisdiction, even if the contiguous county is located in an
4 32 adjacent judicial district or judicial election district, if
4 33 all the parties in a case agree. If a trial is moved to another
4 34 county that is located in another judicial district or judicial
4 35 election district, the judicial officers serving the judicial



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5 1 district or judicial election district receiving the case shall
5 2 preside over the case.

5 3 The bill permits a judicial officer to waive travel
5 4 reimbursement for any travel outside the judicial officer's
5 5 county of residence to conduct official business.

5 6 The bill allows a judicial officer to be placed on unpaid
5 7 leave for the fiscal year beginning July 1, 2011, and ending
5 8 June 30, 2012, on any day a court employee is required to
5 9 furlough. The bill provides that if a judicial officer is
5 10 placed on unpaid leave, the salary of the judicial officer
5 11 shall be reduced accordingly for the pay period in which the
5 12 unpaid leave occurred. Through the course of the fiscal year,
5 13 the bill provides that the judicial branch may use an amount
5 14 equal to the aggregate amount of the salary reductions due
5 15 to judicial officer unpaid leave for any purpose other than
5 16 judicial salaries.

5 17 The bill provides legislative intent that the judicial
5 18 branch utilize the Iowa communications network or other secure
5 19 electronic communications in lieu of traveling.

LSB 1006SV (2) 84

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Senate File 512 - Introduced

SENATE FILE
BY COMMITTEE ON
APPROPRIATIONS

(SUCCESSOR TO SSB
1201)

A BILL FOR

1 An Act making supplemental appropriations for the fiscal year
2 beginning July 1, 2010, for the state public defender and
3 including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2751SV (2) 84
jp/tm



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1 1 Section 1. STATE PUBLIC DEFENDER. After applying the
1 2 reductions made pursuant to 2010 Iowa Acts, chapter 1193,
1 3 section 27, to the appropriations made for the following
1 4 designated purposes, there is appropriated from the general
1 5 fund of the state to the office of the state public defender of
1 6 the department of inspections and appeals for the fiscal year
1 7 beginning July 1, 2010, and ending June 30, 2011, the following
1 8 amounts, or so much thereof as is necessary, to supplement the
1 9 appropriations made for the following designated purposes:

1 10 1. For the office of the state public defender, in 2010 Iowa
1 11 Acts, chapter 1190, section 10, subsection 1:

1 12 \$ 2,551,500

1 13 2. For the fees of court-appointed attorneys for indigent
1 14 adults and juveniles, in accordance with section 232.141 and
1 15 chapter 815, in 2010 Iowa Acts, chapter 1190, section 10,
1 16 subsection 2:

1 17 \$ 16,000,000

1 18 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 19 immediate importance, takes effect upon enactment.

1 20 EXPLANATION

1 21 This bill makes supplemental appropriations for FY 2010=2011
1 22 from the general fund of the state to the office of the state
1 23 public defender in the department of inspections and appeals.

1 24 The bill takes effect upon enactment.

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Senate Resolution 10 - Introduced

PAG LIN

SENATE RESOLUTION NO.

BY BEALL and BOETTGER

1 1 A Resolution inviting the people of Yamanashi
1 2 Prefecture, Japan, to be the guests of the State of
1 3 Iowa at the rededication of the Japanese Bell of
1 4 Peace and Friendship.
1 5 WHEREAS, the people of Yamanashi Prefecture in 1959
1 6 suffered two devastating typhoons that destroyed their
1 7 livestock industry; and
1 8 WHEREAS, the people of Iowa, under the leadership of
1 9 Iowa native Master Sergeant Richard Thomas, the Iowa
1 10 Corn Growers Association, the United States Department
1 11 of Agriculture, and the United States Department
1 12 of Defense, donated resources, sending 36 lean meat
1 13 breeding hogs and 60,000 bushels of corn for feed to
1 14 that area of Japan; and
1 15 WHEREAS, the people of Yamanashi Prefecture
1 16 responded in kind during Iowa's flood disaster of 1993,
1 17 when the Governor of Yamanashi Prefecture presented a
1 18 generous gift of monetary assistance for flood relief
1 19 to the farmers of Iowa; and
1 20 WHEREAS, this anniversary is a time of great tragedy
1 21 for all of Japan, and the people of Iowa share Japan's
1 22 sorrow and stand beside the people of Japan in this
1 23 dark time; and
1 24 WHEREAS, the people of Yamanashi Prefecture in 1961
1 25 presented a beautiful bronze temple bell and bell
1 26 house to the people of Iowa as an expression of their
1 27 gratitude to all Iowans for having reached out to them
1 28 in their time of great need; and



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Senate Resolution 10 - Introduced continued

2 1 WHEREAS, the bell and bell house were installed on
2 2 the south Capitol grounds in Des Moines, Iowa, with
2 3 great ceremony in recognition of the great respect,
2 4 mutual understanding, and friendship between these two
2 5 states; and
2 6 WHEREAS, having graced the Statehouse grounds for
2 7 half a century, a major effort is underway to restore
2 8 the Japanese bell site to its original condition, aided
2 9 by an Iowa public/private fund-raising effort; and
2 10 WHEREAS, officials of Iowa and Yamanashi Prefecture
2 11 have expressed the wish to recognize the 50th
2 12 anniversary of that occasion in 2011 by rededicating
2 13 the bell and bell house to that continuing friendship
2 14 and sister state relationship; NOW THEREFORE,
2 15 BE IT RESOLVED BY THE SENATE, That the Senate
2 16 extends its invitation to the Governor of Yamanashi
2 17 Prefecture and the Chairman of the Yamanashi
2 18 Prefectural Assembly, to visit our Capitol grounds
2 19 during the time of the Iowa State Fair in August
2 20 2011; and
2 21 BE IT FURTHER RESOLVED, That the Senate does hereby
2 22 proclaim the 50th anniversary of the Iowa=Yamanashi
2 23 sister state relationship and asks all Iowans to extend
2 24 to our visitors every courtesy and accommodation as
2 25 befits the rededication of the Japanese temple bell
2 26 and bell house as a symbol of the bond of unfailing
2 27 friendship between our peoples; and
2 28 BE IT FURTHER RESOLVED, That the tolling of the bell
2 29 shall remind us of the lives so tragically lost in the
2 30 earthquake and tsunami of 2011 and its sound shall



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Senate Resolution 10 - Introduced continued

3 1 honor their memory.
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Senate Resolution 9 - Introduced

PAG LIN

SENATE RESOLUTION NO.

BY SODDERS, JOHNSON, and ANDERSON

1 1 A Resolution to recognize the positive impact of the
1 2 community services block grant program.
1 3 WHEREAS, in state fiscal year 2010, 365,752 Iowans
1 4 in 140,333 households were helped in their fight
1 5 against poverty through services funded by the federal
1 6 Community Services Block Grant (CSBG) program; and
1 7 WHEREAS, more than 96 percent of the families
1 8 receiving services were at or below 175 percent of
1 9 the federal poverty level or \$35,427 annual family
1 10 income; and
1 11 WHEREAS, more than 76 percent of the individuals
1 12 served by the 18 community action agencies were
1 13 working or received social security as their source of
1 14 income; and
1 15 WHEREAS, those 18 community action agencies have 127
1 16 service centers throughout all 99 Iowa counties; and
1 17 WHEREAS, each community action agency is governed
1 18 by a community-based volunteer board of directors
1 19 consisting of elected officials, private sector
1 20 representatives, and low-income Iowans; and
1 21 WHEREAS, Iowa's 18 community action agencies employ
1 22 3,350 Iowans; and
1 23 WHEREAS, CSBG funding for the 18 community action
1 24 agencies brought in \$2.3 million in local funding,
1 25 \$13.6 million in private funding, \$13.9 million in
1 26 state funding, and \$222.9 million in federal funding to
1 27 Iowa's local communities; and
1 28 WHEREAS, CSBG funding for Iowa's 18 community action



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Senate Resolution 9 - Introduced continued

2 1 agencies helped generate \$17.7 million in in-kind goods
2 2 and services and donated items; and
2 3 WHEREAS, the 18 community action agencies received
2 4 \$7,154,281 in CSBG funding enabling the community
2 5 action agencies to operate their service centers and to
2 6 administer state and federally funded programs; and
2 7 WHEREAS, President Obama has proposed a 50 percent
2 8 reduction in CSBG funding and making the allocation
2 9 of the remaining funds competitive instead of
2 10 continuing the current allocation formula that brings
2 11 stability to Iowa's community and economic development
2 12 initiatives; and
2 13 WHEREAS, the Iowa Senate supports efforts of the
2 14 United States Congress to effectively reduce the
2 15 federal deficit while promoting the current and future
2 16 economic security of all Iowans; NOW THEREFORE,
2 17 BE IT RESOLVED BY THE SENATE, That the Senate
2 18 supports the positive impact of the CSBG program in
2 19 Iowa and opposes federal action to reduce CSBG funding
2 20 disproportionately compared to the rest of the federal
2 21 domestic discretionary budget; and
2 22 BE IT FURTHER RESOLVED, That a copy of this
2 23 resolution be sent to the President of the United
2 24 States, the President and Secretary of the United
2 25 States Senate, the Speaker and Clerk of the United
2 26 States House of Representatives, and each member of the
2 27 Iowa congressional delegation.

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